

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee C</b>
<b>Report of:</b>	<b>Interim Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Wednesday 15<sup>th</sup> September 2021</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Variation</b>
<b>Premises:</b>	<b>Premises at 23a St Marys Row, Moseley, Birmingham, B13 8HW</b>
<b>Ward affected:</b>	<b>Moseley</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### **1. Purpose of report:**

To consider a relevant representation that has 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 10:00am until 1:00am (Sunday to Thursday) and 10:00am until 2:00am (Friday and Saturday).

To amend the provision of Regulated Entertainment consisting of live music and recorded music, to operate indoors only, from 10:00am until 12:00midnight (Sunday to Thursday) and 10:00am until 1:00am (Friday and Saturday).

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

Premises to remain open to the public from 09:00am until 01:00am (Monday to Thursday), 09:00am until 02:00am (Friday to Sunday).

Other dates and times are specified in the application.

### **2. Recommendation:**

To consider the representation that has been made and to determine the application.

### **3. Brief Summary of Report:**

Variation application received on 30<sup>th</sup> July 2021 in respect of the Premises at 23a St Marys Row, Moseley, Birmingham, B13 8HW.

A representation has been received from Planning, as a responsible authority.

### **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><b>5. Relevant background/chronology of key events:</b></p> <p>Kathleen Westwood applied on 30<sup>th</sup> July 2021 to vary the Premises Licence for the Premises at 23a St Marys Row, Moseley, Birmingham, B13 8HW.</p> <p>A representation has been received from Planning, as a responsible authority. See Appendix 1.</p> <p>The application is attached at Appendix 2.</p> <p>The current premises licence is attached at Appendix 3.</p> <p>Site Location Plans at Appendix 4.</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"> <li>a. The prevention of crime and disorder;</li> <li>b. Public safety;</li> <li>c. The prevention of public nuisance; and</li> <li>d. The protection of children from harm.</li> </ul>
<p><b>6. List of background documents:</b></p> <p>Copy of the representation as detailed in Appendix 1</p> <p>Application Form, Appendix 2</p> <p>Current Premises Licence, Appendix 3</p> <p>Site Location Plans, Appendix 4</p>
<p><b>7. Options available</b></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>

**From:** Richard Bergmann  
**Sent:** 04 August 2021 15:26  
**To:** Licensing Online  
**Subject:** FW: Variation - 23a St Marys Row REF 1105540

Dear Sir / Madam,

I'm sorry if I am responding to this licensing matter incorrectly. Please do advise me for future reference if I am not following correct procedure. However, in the Planning Team we have had a new procedure come into effect on responding to licensing matters. I've had my attention drawn to these changes today and just happen to seemingly have a new licensing consultation.

I've attempted to click on the gov.uk link at the bottom of the email chain but unfortunately the link won't bring up a record. Therefore, to ensure a response is provided I thought I'd contact directly as per the 'new procedure'.

- The 'Premises Licence' reference number is **\*Birmingham-1105540\***
- The site address in question is 23a St Mary's Row, Moseley
- Planning permission was granted in 2016 under planning application 2016/03874/PA, which included condition number 8 that requires 'Entrance doors on to pedestrian walkway shall not be used between 10pm -8am, except in the case of emergency access.'
- As such, this variation of licensing terms to operate daily after 10pm would pose health and safety risks. If the changes to licensing arrangements were approved then the landowner would be in breach of planning control if the pedestrian walkway entrance doors were left open beyond 10pm. From a planning perspective, the landowner/applicant could apply for planning permission to vary the requirements of condition number 8 attached to permission 2016/03874/PA although I can give no guarantees such a planning application would be supported.

Kind regards,

Richard Bergmann MRTPI  
Senior Planning Officer  
Birmingham City Council

**From:** Richard Bergmann  
**Sent:** 05 August 2021 09:48  
**To:** Licensing  
**Subject:** RE: Variation - 23a St Marys Row REF 1105540

Dear Sir / Madam,

The objection to the proposed variation of the premises license at No. 23a St. Mary's Row, Mosely (REF 1105540) is on grounds of public safety, in accordance with the provisions of the Licensing Act 2003.

As explained in my previous email correspondence; there is a planning requirement – enforced by condition (condition no. 8 attached to planning permission 2016/03874/PA – requiring that entrance doors to a pedestrian walkway shall not be used between the hours of 10pm – 8am, except in the case of emergency access."

I am happy to defer to your professional judgement as to determining whether the proposed relaxation of the licensing hours beyond 10pm to allow "extension to opening hours, alcohol sales and performance of live and recorded music on a Friday and Saturday" poses a legitimate risk to public safety in this instance. However, it would be amiss of me not to draw your attention to the relevant planning condition (number 8) attached to permission 2016/03874/PA as a material consideration in your determination of this premises licensing application.

Kind regards,  
Richard Bergmann MRTPI  
Senior Planning Officer  
Birmingham City Council

**DECISION DOCUMENT****APPLICATION NUMBER: 2016/03874/PA****TOWN AND COUNTRY PLANNING ACT 1990****APPLICANT**

Deolali  
23a St Marys Row  
Moseley  
Birmingham  
B13 8HW

**AGENT (if used)**

Staen A + P  
Lucci House  
The Old Tennis Courts  
Tennal Grove  
Harborne  
Birmingham  
B32 2HP

BIRMINGHAM CITY COUNCIL GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS FOR THE FOLLOWING DEVELOPMENT IN ACCORDANCE WITH THE PLANS AND APPLICATION AS NUMBERED ABOVE:

Erection of single storey side extension with roof garden and insertion of two double doors into the external wall to connect with the proposed extension and roofing of rear fire escape  
at

23a St Marys Row, Moseley, Birmingham, B13 8HW

**Conditions that affect this development or use**

- 
- |       |   |
|-------|---|
| 1     | Requires the scheme to be in accordance with the listed approved plans<br>The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers SAP.D.16.03.S.01 Rev D, SAP.D.16.03.SP.02 Rev A, SAP.D.16.03.GA.01 Rev D, SAP.D.16.03.SP.01, SAP.D.16.03.LP.01, SAP.D.17.01.GA.03 Rev A, and SAP.D.16.03.GA.02 Rev C ('the approved plans')<br>Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.                                    |
| <hr/> |   |
| 2     | Requires the prior submission of sample materials<br>No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension(s)/building(s)/dwelling(s)/development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.<br>Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework. |

- 3 Requires the prior submission of a lighting scheme  
The development hereby approved shall not be occupied until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed lighting scheme shall include site annotated plans showing lighting positions for the external spaces, facades, building elevations and structures they illuminate, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including: colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained. The lighting shown on Drawing No. SAP.D.16.03.S.01 Rev D is not approved.  
Reason: To ensure a high quality of external environment, to complement the development proposals, and to protect and reinforce local character in accordance with Policy PG3 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham UDP 2005, Places for All SPG, Lighting Places SPD and the National Planning Policy Framework.

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- 4 Requires the prior submission of sample walling/render panel/stonework/brickwork  
No development shall take place until a sample panel of brickwork at least one metre square showing the proposed coursing, method of pointing and colour of mortar has been erected on the site and subsequently approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved panel. The panel shall be retained on site until the completion of the works.  
Reason: To ensure that the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings in accordance with Policies PG3 and TP12 of the Birmingham Development Plan 2017, the National Planning Policy Framework and Regeneration through Conservation SPG.

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- 5 Requires the prior submission of window frame details  
No development shall take place until detailed drawings of the proposed window frames, at a minimum scale of 1:10 illustrating materials and coverings, paint finish, fenestration profiles, lintels, cills, window dressings, cheeks, reveal and window furniture, have been submitted to and approved in writing by the Local Planning Authority. The windows shall be constructed and installed in accordance with the approved details and thereafter maintained.  
Reason: To maintain the character of the building which is in a Conservation Area in accordance with Policies PG3 and TP12 of the Birmingham Development Plan 2017, the National Planning Policy Framework and Regeneration through Conservation SPG.

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- 6 Requires the prior submission of external doors  
No development shall take place until details of all new external doors including cross-sections to show materials, paint finish, panels, cills, decorative detail, reveal and door furniture have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.  
Reason: To safeguard the character of the building which is in a Conservation Area in accordance with Policies PG3 and TP12 of the Birmingham Development Plan 2017, the National Planning Policy Framework and Regeneration through Conservation SPG.

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- 7 No customers to access rooftop garden  
There shall be no access for customers to the rooftop garden hereby approved.  
Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14-3.14D of the Birmingham UDP 2005 and the National Planning Policy Framework.

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- 8 Entrance doors on to pedestrian walkway shall not be used between 10pm -8am, except in the case of emergency access  
The entrance doors shown on to the pedestrian walkway shall not be used between the hours of 10pm-8am, except in the case of emergency access. Reason: In order to safeguard the amenity of the nearest residential occupiers from noise and disturbance in accordance with Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14-3.14D of the Birmingham UDP 2005 and the National Planning Policy Framework.

- 9 Implement within 3 years (Full)  
The development hereby permitted shall be begun before the expiration of (3) years from the date of this permission.  
Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

Date: Monday 13th February 2017



Waheed Nazir, Director of Planning and Regeneration

P.O. BOX 28, Birmingham B1 1TU

**Please note  
This is not a building regulation approval**

**INFORMATIVE NOTE**

Water supplies for fire fighting should be in accordance with the "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK

Please ensure that you visit the following link before commencing any development:  
<http://www.water.org.uk/home/policy/publications/archive/industry-guidance/national-guidance-document/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the West Midlands Fire Service Water Office at  
[water.officer@wmfs.net](mailto:water.officer@wmfs.net)





**Birmingham**  
**Application to vary a premises licence**  
**Licensing Act 2003**

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

\* required information

### Section 1 of 18

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

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

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Are you:

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

☐ Applying as an individual

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

### Applicant Business

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

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

Registration number

Business name  If your business is registered, use its registered name.

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

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**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

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number



*Continued from previous page...*

Non-domestic rateable  
value of premises (£)

25,500

### Section 3 of 18

#### VARIATION

Do you want the proposed  
variation to have effect as  
soon as possible?

☒ Yes

☐ No

Do you want the proposed variation to have effect in relation to the  
introduction of the late night levy?

☐ Yes

☒ No

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.

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

#### Describe Briefly The Nature Of The Proposed Variation

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.

Medium sized restaurant and cocktail bar, split into three smaller sections. Service is nearly entirely to tables, with some limited over the bar service and bar stools. The proposed variation is extension to opening hours, alcohol sales and performance of live and recorded music on a Friday and Saturday, in line with our neighboring venue and extension of late night refreshments to ensure food is always available to customers who are drinking. The extension to alcohol sales is purely for on premise consumption and no changes to our off sales will be made.

### Section 4 of 18

#### PROVISION OF PLAYS

See guidance on regulated entertainment

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

☐ Yes

☒ No

### Section 5 of 18

#### PROVISION OF FILMS

See guidance on regulated entertainment

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

☐ Yes

☒ No

### Section 6 of 18

#### PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes

☒ No

#### Section 7 of 18

##### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

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 18

##### PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

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

###### 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

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...

SUNDAY

Start 10:00

End 00:00

Start

End

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

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure 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.

Live performances of small bands over existing installed PA system indoors only. Any performance of live music to be supervised with a suitably experienced sound engineer to ensure the music is contained to the venue.

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.

N/A

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.

10:00 - 01:00 on Bank Holidays including Christmas Eve and New Years Eve

## Section 9 of 18

### PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

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 10:00

End 00:00

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 10:00

End 00:00

Start

End

Continued from previous page...

WEDNESDAY

Start 10:00

End 00:00

Start

End

THURSDAY

Start 10:00

End 00:00

Start

End

FRIDAY

Start 10:00

End 01:00

Start

End

SATURDAY

Start 10:00

End 01:00

Start

End

SUNDAY

Start 10:00

End 00:00

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.

Performance by DJs within the venue over the installed PA system. Any performance of music to be supervised by a suitably experienced sound engineer to ensure the music is contained to the venue.

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.

N/A

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.

Extension to 01:00 on Bank Holidays including Christmas Eve and New Years eve



Continued from previous page...

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

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

☐ Yes

☒ No

**Section 11 of 18**

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

See guidance on regulated entertainment

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 18**

**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

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

**Continued from previous page...**

SATURDAY

Start 23:00

End 02:00

Start

End

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.

Supply of small simple heated food dishes for customers to ensure food is always available to customers

State any seasonal variations.

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

N/A

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.

Extension to 02:00 on Bank Holidays including Christmas Eve and New Years Eve

### Section 13 of 18

#### 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



Continued from previous page...

MONDAY

Start 10:00

End 01:00

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 10:00

End 01:00

Start

End

WEDNESDAY

Start 10:00

End 01:00

Start

End

THURSDAY

Start 10:00

End 01:00

Start

End

FRIDAY

Start 10:00

End 02:00

Start

End

SATURDAY

Start 10:00

End 02:00

Start

End

SUNDAY

Start 10:00

End 01:00

Start

End

Will the sale of alcohol be for consumption?

☐ On the premises ☐ Off the premises ☒ Both

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

State any seasonal variations.

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

N/A

*Continued from previous page...*

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.

Extension to 02:00 for Bank Holidays including Christmas Eve and New Years Eve

#### Section 14 of 18

##### 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.

N/A

#### Section 15 of 18

##### HOURS PREMISES ARE OPEN TO THE PUBLIC

###### Standard Days And Timings

###### MONDAY

Start 09:00

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 09:00

End 01:00

Start

End

###### WEDNESDAY

Start 09:00

End 01:00

Start

End

###### THURSDAY

Start 09:00

End 01:00

Start

End

###### FRIDAY

Start 09:00

End 02:00

Start

End

*Continued from previous page...*

SATURDAY

Start 09:00

End 02:00

Start

End

SUNDAY

Start 09:00

End 02:00

Start

End

State any seasonal variations.

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

N/A

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.

Open till 02:00 on Bank Holidays including Christmas Eve and New Years Eve

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 18

#### 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.

**Continued from previous page...**

The venue shall be well staffed at all times with waiting staff for all licensed areas.  
The Extension to our Late Night Refreshment will improve our ability to ensure substantial food is available at all times.

**b) The prevention of crime and disorder**

CCTV is installed in the venue and shall be maintained and footage will be made available immediately to police or any Responsible Authority.

**c) Public safety**

Off sales of alcohol will not take place beyond midnight, to prevent any contribution to alcohol being consumed in the area surrounding the premises.

**d) The prevention of public nuisance**

All litter in our outdoor seating area will be cleaned frequently throughout the day and a thorough tidy will take place at the close of every day.

**e) The protection of children from harm**

A robust Challenge 25 policy is in place at the venue and records will be kept of any refused service.  
Under 18s must be supervised on site at all times and will not be admitted to the venue beyond 21:00 on any evening.

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**



**Continued from previous page...**

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

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

Continued from previous page...

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

## Section 18 of 18

### PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

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

Band E - £125001 and over - £635.00\*

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

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

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

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

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

\* Fee amount (£)

190.00

### DECLARATION

1



Continued from previous page...

I/WE UNDERSTAND THAT 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.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name   
\* Capacity   
\* Date  /  /   
dd mm yyyy

[Add another signatory](#)

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

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/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, 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.**

**OFFICE USE ONLY**

Applicant reference number   
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 ☐

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 Next >



**LICENSING ACT 2003****PREMISES LICENCE**

Premises Licence Number:

4376 / 2

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> 23A St Mary's Row Moseley	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B13 8HW
<b>Telephone Number:</b> Not Specified	

<b>Where the licence is time limited the dates</b> N/A
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<b>Licensable activities authorised by the licence</b>	
E	Live music
F	Recorded music
G	Performances of dance
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

<b>The times the licence authorises the carrying out of licensable activities</b>				
Monday – Sunday	10:00	-	00:00	E,F,G
	23:00	-	00:00	L
	10:00	-	01:00	M3

<b>The opening hours of the premises</b>		
Monday - Sunday	09:00	- 01:00

<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b> On and Off Supplies
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**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Ms Kathleen Westwood	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> Not Specified	
<b>Email</b>	

<b>Registered number of holder for example company number or charity number (where applicable)</b> N/A
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Ms Kathleen Westwood	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 10353	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

*Dated 15/02/2019*

SHAID YASSER  
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.

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

## **Annex 2 – Conditions consistent with operating schedule**

### **2a) General conditions consistent with the operating schedule**

The Premises Licence Holder shall ensure substantial food will be available at all times.

The licence areas of the premises shall be supervised by waiting staff throughout.

Off Sales of alcohol will only be made in respect of premium and specialist brands of spirits, liqueurs and wines.

All members of staff with the exception of personal licence holders who are involved in the sale or serving of alcohol will receive training regarding the law and responsible retailing of alcohol.

All staff training will be recorded and training records will be signed by members of staff to confirm they have received and understood the training provided.

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

The CCTV system must be maintained and operational at the premises at all time when the premises are open to the public.

The images recorded by the CCTV system must be retained in unedited form for a period of not less than 28 days and will be downloaded and made available to any Responsible Authority upon request

CCTV to be installed to the satisfaction of West Midlands Police. CCTV to record for no less than 14 days , to be downloadable and made immediately available to any of the responsible authorities on request. CCTV to record throughout the whole of the licensable activity.

The premises licence holder will implement measures to ensure customers are not permitted to drink on the street outside the premises.

### **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**

The sales of alcohol for consumption away from premises (off sales) will be made in sealed containers only.

The premises licence holder will implement measures to ensure customers are not permitted to drink on the street outside the premises.

The licence holder will provide a bin or other receptacle in the external area used by customers to smoke in order that customers can dispose of their cigarette butts responsibly.

The bin/receptacle provided for customers to dispose of their cigarette butts must be removed and stored in a secured area during the hours when the business is closed.

The premises licence holder will ensure the external area used by customers wishing to smoke is kept tidy.

A notice must be prominently displayed and visible to all customers leaving the premises requesting they respect the needs of local residents and businesses in the vicinity and to leave the area quietly.

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

All children permitted in the premises must be supervised by a responsible adult at all times

The premises operate a Challenge 21 age verification policy to prevent the sale or supply of alcohol to



persons under 18 years of age.

The premises will have a written age verification policy – Challenge 21 and must be signed and dated by all members of staff to confirm they have read and understand the policy in operation. The signed copy of the policy must be maintained at the premises and made available for inspection by any Responsible Authority on request.

A notice must be displayed at the premises and clearly visible to customers informing them that a Challenge 21 age verification policy is in operation at the premises.

The premises licence holder will maintain a refusals register (or refusal button on EPOS – Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18.

The refusal register or record of till recorded refusals must be made available for inspection to any Responsible Authority on request

### **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 Drawing reference number **04129/007A** 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.

