

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 06 MAY 2020 AT 10:00 HOURS
IN AN ON-LINE MEETING, [VENUE ADDRESS]

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**

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 **DECLARATIONS OF INTERESTS**

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

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3 - 32

4 **LICENSING ACT 2003 PREMISES LICENCE – REVIEW THE OBSERVATORY, 44A BARKER STREET, LOZELLS, BIRMINGHAM, B19 1EP**

Report of the Interim Assistant 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 Chairman are matters of urgency.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 6th May 2020
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	The Observatory, 44A Barker Street, Lozells, Birmingham, B19 1EP
Ward affected:	Lozells
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider an application to review a Premises Licence.

2. Recommendation:

To consider and determine the review application.

3. Brief Summary of Report:

Review application received on 6th February 2020 from South Road Housing Co-operative in respect of The Observatory, 44A Barker Street, Lozells, Birmingham, B19 1EP.

Representations have been received from West Midlands Police and Birmingham City Council Licensing Enforcement, as 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:

South Road Housing Co-operative applied on 6th February 2020 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for The Observatory, 44A Barker Street, Lozells, Birmingham, B19 1EP.

Representations have been received from West Midlands Police and Licensing Enforcement. See Appendices 1-2.

Review application is attached. See Appendix 3.

The Premises Licence is attached at Appendix 4.

Site location plans are attached at Appendix 5.

Owing to the critical incident response to the Covid-19 outbreak, the initial hearing scheduled for Wednesday 1st April 2020 was adjourned under Regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, as it was deemed in the public interest to do so.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -

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

6. List of background documents:

Copy of the representations as detailed in Appendices 1 and 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.

J Entered

From: Abdool Rohomon
Sent: 03 March 2020 12:22
To: Licensing
Subject: The Observatory

Dear Licensing,

West Midlands Police are in receipt of the review application for the Observatory (licensed premises).

West Midlands Police seek to inform the licensing committee of the involvement and impact the premises has on the local neighbourhood policing team

There have been various calls to this licensed premises over the last 12 months, in terms of the level of incidents it shows a pattern relating to the people the premises they attract that then go on to cause Anti-Social Behaviour and or other criminal offences. This is having an impact on the local residents who are then calling the Police to try and resolve.

The local Police team are receiving calls from concerned residents, in terms of loud noise, music, blocked roads and general disturbance to the local residents lives at times of the night which are considered sensitive.

Statements from the local Police Sergeant have been obtained and will be produced as well as what incidents are being reported at the premises.

West Midlands Police wish to join in the review application, and will be submitting supporting evidence in accordance with the hearing regulations

Kind regards

Abs Rohomon. BEM

PC 4075 Rohomon. BEM
BW Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ

Internal :
External :

Follow us on Twitter - @brumcopslicensing

West Midlands Police
Tel.

Email: a.rohomon
Website: www.west-midlands.police.uk
Twitter: [www.twitter.com/brumpolice](https://twitter.com/brumpolice)
Facebook: www.facebook.com/westmidlandspolice
YouTube: www.youtube.com/westmidlandspolice

Vision statement - Serving our communities, protecting them from harm

*Entered.*LICENSING ENFORCEMENT REPORT

PREMISES LICENCE NUMBER	1086
PREMISES NAME	The Observatory
ADDRESS	44a Barker Street, Lozells, Birmingham B19 1EP
LICENCE HOLDER	Clarendon Homes Limited, 43 Frederick Street, Birmingham B1 3HN

In 2005 the licence was converted to a Premises Licence under The Licensing Act 2003. At this time an extension of the licensable hours was submitted and approved in accordance with the Licensing Act 2003. The hours approved at this time have never been varied, therefore they are as detailed on the current licence.

The premises has had 2 Licence Holders whilst complaints have been received, however, there has only been 1 Designated Premises Supervisor.

	Licence holder	DPS
December 2006	Transferred to Admiral Taverns Limited	
October 2007	Admiral Taverns Limited	Sophia Lawrence became DPS
April 2012	Transferred to Clarendon Homes Limited	Sophia Lawrence

HISTORY

The premises first came to our attention during 2008 with an allegation of playing music until 01.55 hours. Since this time the premises licence holder has changed however the DPS has remained the same throughout.

The first complaint recorded against the premises was received during July 2008. This complaint alleged that music was playing outside of the licensable hours.

Between July 2008 and present day a total of 23 complaints have been received. The allegations/points of concern for complainants was noise nuisance, BBQ's on the pavement outside the premises, anti-social behaviour outside the premises, licensable activities outside of permitted hours and verbal abuse from the husband of the DPS.

Several visits were made to the premises. On each occasion the matters were discussed with the DPS Sophia Lawrence.

On **24th August 2010** a visit was made to the premises by Licensing Enforcement and West Midlands Police. It is recorded as "traders issued to sophia lawrence the dps. ms lawrence was made aware of noise complaints past permitted hours. the notice also outlined the licensing hours and the consequences of failing to comply with the licensing hours. to check with complainant to ascertain if still happening although complaints seem to be about noise and people in street."

LICENSING ENFORCEMENT – THE OBSERVATORY

After this visit no further complaints were received until 2014, a gap of 4 years. The next complaint was received in **July 2014** from Councillor Mahmood Hussain. An inspection was carried out against the conditions attached to the licence and discussed with Sophia Lawrence. She was advised to close the door if the complaints continue, however it is not a condition. It was highlighted that the premises does not have a car park. It is recorded that Sophia Lawrence stated that she had been to a meeting with West Midlands Police within the last few days. She denied the allegations and said that it was cars outside that were not related to the premises.

No further complaints were received until **January 2017**. Since then a total of 13 complaints have been received by Licensing Enforcement and 7 by Environmental Health.

I have made various visits to the premises and met with Sophia Lawrence on each occasion. She does not accept that the premises causes problems and can attribute the disturbance to noise of cars in the vicinity.

Early **September 2018** a person was stabbed outside the premises. I understand that it was a dispute between 2 users of the premises. I was informed that Sophia Lawrence met with West Midlands Police to discuss the issues.

On **14th November 2019** I met with residents and other Agencies to discuss the concerns about the premises.

The Department has been unable to ascertain evidence to corroborate the allegations made against the premises. CCTV is not installed at the premises and is not a requirement of the licence.

I have been informed by the partner of the DPS that the premises is leased from Clarendon Homes Limited. I do not believe that the Licence holder has any control or involvement with the premises.

LICENCE HOLDER

The address detailed for the premises licence holder is 43 Frederick Street, Birmingham. However, during April 2016 the registered office address for Clarendon Homes Limited changed to 31 Frederick Street, Birmingham – this Authority was not informed of this information. Both of these addresses are accommodation offices.

I have made enquiries with both of the addresses:

43 Frederick Street (the correspondence address and the address that the annual fee invoices are sent to). I am informed that Mr Sunil Datt, a Director of Clarendon Homes Limited, still uses the address and I have tried to contact him.

It has come to light that there is an outstanding annual fee from November 2019 in the sum of £180.00

31 Frederick Street - This address is detailed on Companies House as the Registered Office for the company. Licensing has not received any notifications from the Licence Holder regarding this address.

LICENSING ENFORCEMENT – THE OBSERVATORY

MATTERS OF CONCERN

The conditions attached to this licence are not adequate. It must be taken into account that the premises is located in a residential area and operates until the early hours.

Enforcement action has not been possible due to the lack of conditions. The Operating schedule does not include any conditions to help rectify the issues and concerns of local residents.

Complaints cannot be investigated thoroughly without CCTV. However, from the frequency and quantity of complaints received, I believe that on the balance of probability the premises are causing a **nuisance**.

It can be clearly evidenced that complaints have been received on a regular basis since Sophia Lawrence has been the DPS.

Complainants are reluctant to provide their details due to the fear of repercussions.

The Licence holder has failed to comply with the requirements of the Licensing Act in that they have not notified us of the change in Registered office address as soon as reasonably practicable.

I have tried to make contact with the Directors of Clarendon Homes Limited with a mobile phone number that was submitted on the original transfer. However, he did not respond.

CONCLUSIONS

It is obvious that the licence holder cannot comply with the requirements of the legislation in that they have

- **Failed to notify of a change of Registered address,**
- **Failed to pay the annual fee from November 2019**
- **They do not have any involvement in the business whatsoever, therefore they do not have any control over the premises.**

The premises Licence Holder, Clarendon Homes Limited, has overall responsibility for ensuring that the statutory objectives of the Act are complied with.

It is also obvious that the DPS does not have any control of the behaviour of the patrons of the premises.

- **A nuisance is being caused on a regular ongoing basis by the premises.**
- **Numerous visits have been made to the premises and the disturbances do calm down for a while but always revert back to causing a nuisance.**

No complaints were received before Sophia Lawrence became the DPS.

RECOMMENDATIONS

I would ask that the Committee consider revoking the licence.

LICENSING ENFORCEMENT – THE OBSERVATORY

If the Committee is minded to retain the premises licence I would ask that the Committee consider reducing the licensable hours to 23.00 hours and adding the following additional conditions to help promote the licensing conditions.

GENERAL

An incident register will be kept at the premises and be made available to an authorised Officer of a Responsible Authority on request.

CRIME

The Premises Licence Holder shall ensure that those engaged with the sale of alcohol shall be provided with training on the licensing objectives and the conditions attached to the premises licence. Refresher training will be given every 6 months. A log of the training shall be maintained and available for inspection by an authorised Officer of a Responsible Authority on request.

At least 2 SIA Door Supervisors must be employed on Friday, Saturday and Sunday evenings to ensure that all customers disperse in an orderly manner from the premises. There must be a portfolio kept on the premises in a secure location at all times, detailing each door supervisor who is/has worked at the premises. This will be proof of address (utility bill within the last 6 months) and proof of name and photo (passport or copy SIA badge) and made available to any authorised agency. Profiles of staff who no longer work at the premises will be retained for a period of 3 months.

That a CCTV system records at all times when licensable activity is taking place. Cameras will be placed in all rooms inside the premises as well as covering the complete external area. Footage from all cameras must be kept for a minimum of 31 days. Images will be made available to any responsible authority immediately upon request. Recordings must be available in a downloadable format and staff must be trained upon the operation of the system.

SAFETY

NUISANCE

All doors remain closed when regulated activity is taking place, except for access and egress.

All windows remain closed when regulated activity is taking place.

The DPS will carry out hourly documented checks of the perimeter when licensable activity is taking place to ensure that the noise cannot be heard at neighbouring residential properties. The records of the checks will be made available to any responsible authority upon request.

All licensable activity will take place inside the premises.

LICENSING ENFORCEMENT – THE OBSERVATORY

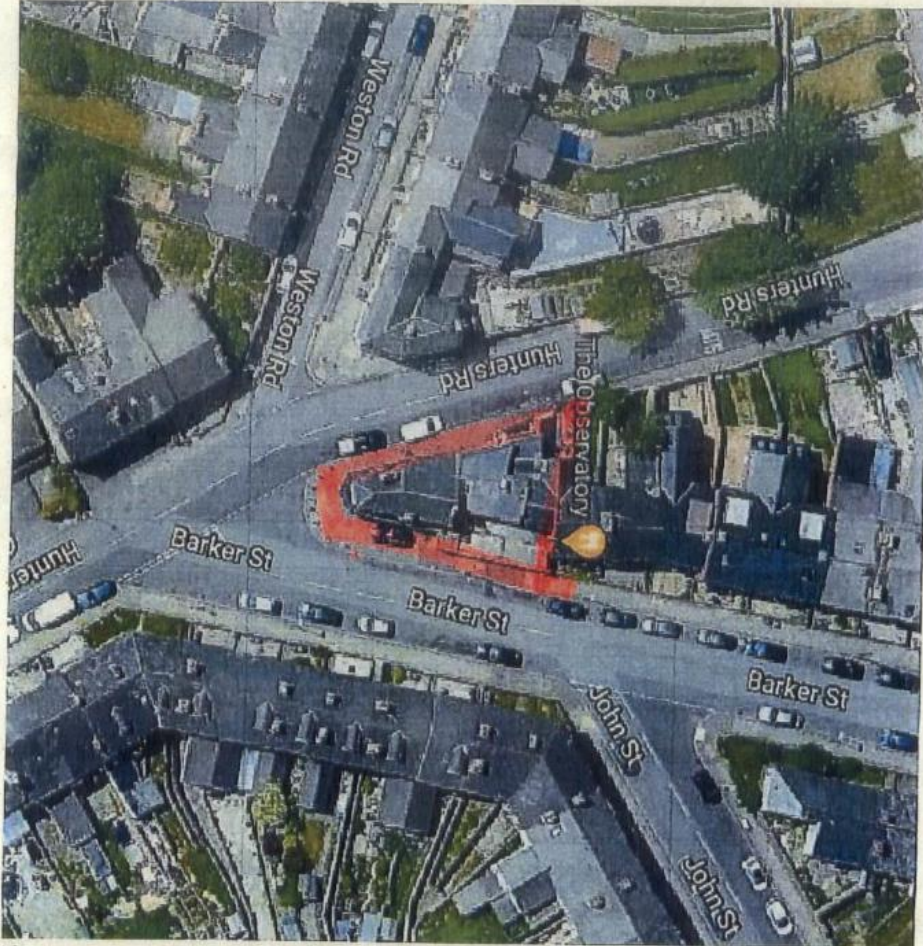
CHILD

The premises will operate an 'Over 25' policy and notices will be prominently displayed. People who appear to be under the age of 25 will be asked for Photographic ID.

All refusals will be noted in a refusal register, which will be maintained at the premises and must be available for inspection by any of the regulatory authorities. The register must be signed by the DPS fortnightly.

DOCUMENTS ATTACHED

- Aerial view of the location of The Observatory and neighbouring residential homes.
- Street view of the premises and surrounding area.



THE OBSERVATORY
HIGHLIGHTED.



Street view of the premises and surrounding area

LICENSING ENFORCEMENT – THE OBSERVATORY

Birmingham City Council, PO Box 17013, Birmingham, B6 9ZS

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

REC
REGULATION & ENFORCEMENT
LICENSING SECTION
DATE RECEIVED

17/11/2020

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 South Road Housing Co-operative

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 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 The Observatory 44a Barker Street Lozells	
Post town Birmingham	Post code (if known) B19 1EP
Name of premises licence holder or club holding club premises certificate (if known) Clarendon Homes Limited	
Number of premises licence or club premises certificate (if known) 1086	

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

Please tick ✓ yes

I am 18 years old or over

☐

**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 South Road Housing Co-operative c/o Property Link Building (1 st Floor) 28 George Street Balsall Heath Birmingham B12 9RG
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓



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

Due to repeated and on-going instances of anti-social behaviour, South Road Housing Co-operative are calling this licence in for review under the following licensing objectives

- 1.) The prevention of crime and disorder
- 2.) Public safety
- 3.) The prevention of public nuisance

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

The evidence to support this application is as follows:

19/02/18 – Email received from local resident reporting a complaint about loud music from The Observatory. Local resident stated that there was loud music being played on **Saturday evening 17/02/18 from 6.20pm until approx.1.50am on Sunday morning** when the DJ finished. Resident stated that the music was so loud that the whole house was shaking and at one point resident had to visit the pub to speak to the Premises Supervisor (Sophie) to ask for the music to be turned down. Unfortunately, this did not happen and the music continued at the same level.

Resident stated that this has been on-going for the past 10 years and various community meetings have taken place between the Police, the Premises Supervisor, local residents, Ward Cllr's and local MP but nothing has changed. Resident stated that they have kept a diary of incidents over the last 10 years. Resident also said that they have been told that The Observatory has a licence to play music until 3am in the morning.

Between **12/08/18 and 12/05/19**, 4 incidents reported to police, one of these being the **stabbing on Sunday 2nd September 2018.**

Fri 31/05/19 call to West Midlands Police in relation to an incident at The Observatory, details unknown

Wed 17/07/19 – 11.21pm – E-mail received from local resident – *“A rowdy night tonight at the observatory crowds outside drinking on the street”.*

Fri 19/07/19 – 12.44am & 1.09am – E-mail received from local resident – *“It is 12.44 music loud from the observatory” “1.09 people leaving the observatory rowdy car doors slamming and loud music from cars sound of car horns as they drive off”.*

Mon 22/07/19 – 12.14am – E-mail received from local resident – *“Another rowdy night at the pub, car doors slamming, people shouting , I have to get up at 6 in the morning for work, this is so not fair for the people who live here”*

Thur 25/07/19 – 10.47pm – E-mail received from local resident – *“It is 10.45 the street is heaving with cars and People people , music blaring, cars can't get down the street properly for parked cars, some parked inappropriately”*

Fri 26/07/19 – 1.15am – E-mail received from local resident – *“It's 1.15 am there are still crowds outside the pub drinking being rowdy I have to be up in 5 hours for work”*

Sat 24/08/19 – 1.20am – Local resident emailed Neighbourhood Police team: *the pub is heaving inside and out, music is still playing, the noise outside is unacceptable in a residential area, this is not fair on people trying to sleep, how much more of this do we have to put up with”*

Sun 01/09/19 – 1.06am – Local resident emailed Neighbourhood Police team: *“Loud music from pub and people shouting horns sounding and parking is a joke, keep seeing how you give people tickets for obstructing pathways and parking on corners on Twitter , hows about visiting Hunters road, Barker street, and Weston road B19 once in a while in the evenings around 22:00 hrs let's see some action please, its past a joke.”*

Fri 20/09/19 – 11.47pm – Local resident emailed Neighbourhood Police team: *“Observatory*

pub taking the piss again with loud music and publicans shouting out side also illegal serving of food from barbecues yes 2 also I keep seeing on Twitter how people are getting fines and parking tickets for obscene parking, hows about visiting Weston road, Hunter's road, Barker street, just a thought?"

Oct 2019 (Exact date unknown) – Police responded to an incident involving a lit object (possibly a petrol bomb) being thrown through the window of the premises.

Mon 04/11/19 – 4.14pm – Local resident emailed Neighbourhood Police team: *"The observatory is having a barbecue outside in the street I thought they were not allowed or have been told about this"*

Thur 14/11/19 – 3pm – Local resident emailed Neighbourhood Police team: *"it has been quite a noisy weekend at the pub"*

20/12/19 – 1.11pm – E-mail received from local resident sent to Local Neighbourhood Police team, BCC Licensing and Environmental Heath – *"An incident that myself and my wife were subjected to at 11:45am this morning (20.12.19).*

We were viciously abused verbally out of the blue by the male owner of the Observatory pub. I had just parked my Vehicle on his side of the Road (Barker St) as my side was used up by the other Vehicles, this was obvious. He demanded I move my vehicle, and he insisted I had no right to park on his side.

Whilst he was shouting some vehicles on my side of the road had vacated, but by now we were in our doorway. He began to be more irate and vocal, and insisted I was the one making the complaints to the council for the parking problems and I only favour the taxi's parking, wherever.

I tried to reason with him that I had no control over who parks where. I then used the opportunity to remind him he should show a little respect to the local residents, when we ask him to lower the noise level of the music he plays late into the night, and to remind his customers whilst parked to do the same.

He continued to swear verbally and walked toward the entrance of his pub.

With this in mind, and as I didn't move my car from his side of the road, I believe he will raise the volume / bass to irritate us tonight, probably his way of teaching us a lesson.

The Observatory continues to be loud & heavy & violent arguments pursue regularly. On one occasion someone through a petrol bomb at the premises which came to nothing and the person was chased and beaten and a lot of commotion followed. The BBQ is still being used outside as members of the public walk by. The BBQ generates people to congregate and be loud, having no consideration for the local residents.

24/12/19 (Christmas Eve) – 8.23pm – E-mail received from local resident: *"There are now 2 BBQ's being lit from 5.30pm (24.12.19), we were alerted by the loud clashing of metal which went on for approx. 20min, in preparation of the BBQ's on a public footpath, this clashing will go on until the food runs out or if it rains. The crowd periodically in and out of the pub making themselves be heard.*

There is also a loud bass being played from the premises.

It is clear the Sign put up outside the premises to "show consideration to the local residence" is clearly being ignored.

30/12/19 – P6 log raised with Neighbourhood Police Team (details below):

For 4 evenings the noise & Music from the PH has been unbearable.

Music (bass) continues well past 1.30am on 25th Dec 19 (Christmas Day)

The aftermath of the night is seen on the street with the mess from the BBQ's remains, left outside the premises for the rats to rummage over 2 nights

26th Dec 19 (Boxing Day) & 27th Dec 19 evening the music from the vehicles and the PH continues to go on well past the 1am curfew.

28th Dec 2019 - a fight had broke out and lasted 10-15min with approx. 20+ people on looking, with non involvement to break it up from the management. Perhaps the music inside the pub must have been so loud it drowned out the butchery going on outside. Not heard if anyone was shot or stabbed, yet.

29th Dec 19 - Loud Music

30th Dec 19 - loud arguments and Music (current time 10pm)

Please tick ☒ yes

No

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

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

N/A

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 04/02/2020

Capacity **Communities Officer – Behs Accord (Managing Agents on behalf of South Road Housing Co-operative)**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) South Road Housing Co-operative 106 Alcester Road, Moseley	
Post town Birmingham	Post Code B13 8EF
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

1086 / 4

Part 1 - Premises details:**Postal address of premises, or if none, ordnance survey map reference or description**

The Observatory
44A Barker Street
Lozells

Post town:

Birmingham

Post Code:

B19 1EP

Telephone Number:**Where the licence is time limited the dates**

N/A

Licensable activities authorised by the licence

B	Films
C	Indoor sporting events
E	Live music
F	Recorded music
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
I	Provision of facilities for making music
J	Provision of facilities for dancing
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	-	00:30	E,I
	10:00	-	01:00	F,H,J,M3
	10:00	-	02:00	B,C
	23:00	-	02:00	L
Christmas Eve & Boxing Day	10:00	-	02:00	All
Friday, Saturday, Sunday and Monday on Bank Holiday weekends.	10:00	-	02:00	All

The opening hours of the premises

Monday - Sunday	07:00	-	02:00
All non-standard days listed above	07:00	-	03:00
New Year's Day	07:00	-	04:00

BIRMINGHAM CITY COUNCIL

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

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Clarendon Homes Limited 43 Frederick Street	
Post town: Birmingham	Post Code: B1 3HN
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 07648162
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Sophia Lawrence	
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 1904	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 03/05/2012

Carolyn Bennett
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

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 shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol: - 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 a holographic mark.

Where any of the following alcoholic drinks is sold or supplied for sale or 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) the responsible person shall ensure that it is available to customers in the following measures:-

1. Beer or cider - ½ pint;
2. Gin, rum, vodka or whisky - 25ml or 35ml; and
3. Still wine in a glass - 125ml; and

The responsible person must also ensure that customers are made aware of the availability of the aforementioned measures.

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendation made: (a) By the British Board of Film Classification (BBFC), where the film has been classified by that Board, or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20(3)(b) (s74(3)(b) for clubs) of the Licensing Act 2003 applies to the film.

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

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The licence holder shall ensure -

All regulated entertainment is permitted is to take place inside the premises only

No adult entertainment or services are permitted on the premises with the exception of 1 AWP machine.

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

The licence holder shall ensure -

They will join the local Pub Watch scheme.

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

The licence holder shall ensure -

The lounge to be limited to a maximum of 72 persons.

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

The licence holder shall ensure -

Live music will end at 00:30 and all windows will be kept closed after 22:00.

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

No enforceable conditions identified from operating schedule.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

3c) Committee conditions to promote public safety

N/A

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

N/A

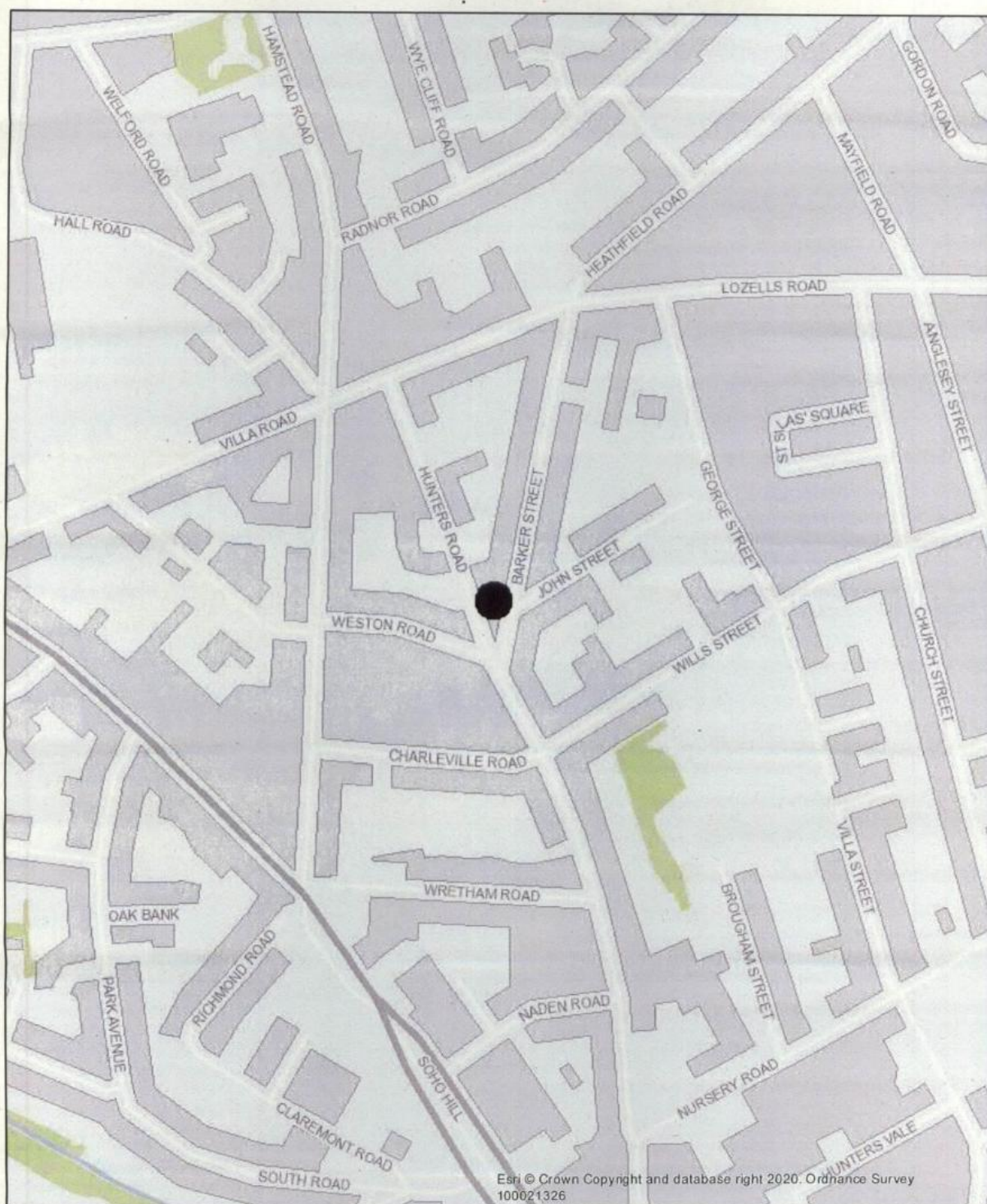
3e) Committee conditions to promote the protection of children from harm

N/A

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Annex 4 – Plans

The plan of the premises with reference number **77699-1086/4** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection between the hours of 9am – 4pm Monday, Tuesday and Thursday, 10am – 4pm Wednesday and 9am – 3.30pm Friday (excluding Bank Holidays etc) at the Licensing Service, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham B6 5RQ.



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Scale: 1:1,250



Suggested new CCTV Condition wording.

CCTV system with recording equipment shall be installed and maintained at the premises.
CCTV shall cover the entry and exit points of the premises and all areas where alcohol/money is served/taken and all areas where the public have access and the immediate vicinity outside the premises.

Images/recordings to be downloadable in a suitable format and provided to any member of a responsible authority upon request and without undue delay.

One camera should clearly display the pavement area outside of the premises in order to evidence no patrons are congregating on the pavement.

Images and recording must be of evidential quality and must indicate the correct time and date and be kept for at least 31 days.

All staff to be trained on the use of the CCTV system, and at least one member of staff to be on duty who is trained to download the systems images should any member of a responsible authority make a request for the footage.

All staff to receive 6 monthly training on fire safety legislation and on their responsibilities with regard to licensing legislation. This training to be documented and presented to a member of a responsible authority upon request.

A sound monitoring device with a noise level breaker cut off mechanism must be fitted within two months of the agreement of this condition and must remain operational when ever music is played at the venue.

It must be fitted by a certified engineer and be serviced on a 12 monthly basis.

All windows and doors must remain closed when music is played at the venue with the exception of ingress and egress.

No BBQ's are to be held at the venue outside on the pavement.

An Incident log must be maintained at the premises and a written record of any incident that occurs on the premises must be appropriately recorded.

Where it is deemed appropriate the incident must be reported to West Midlands Police.

The incident book must be produced to a member of responsible authorities upon request and without undue delay.

Clear Signage must be placed on all doors reminding patrons to vacate the premises in an orderly and quiet fashion to respect local residents.

To comply with challenge 25 a refusals book shall be held at the premises and all refusals noted within. It should be available for responsible authorities without undue delay.

Proposed new hours

Mon – Thurs	Open 2pm, stop serving 10.30. Close 11.00
Fri	Open 12pm stop serving 11.30. Close 00.00
Sat	Open 12pm stop serving 11.30. Close 00.00
Sun	Open 1pm stop serving 10.30 . Close 11.00

