

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 25 MAY 2016 AT 10:00 HOURS
IN COMMITTEE ROOM 1, COUNCIL HOUSE, VICTORIA SQUARE,
BIRMINGHAM, B1 1BB

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 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3 **MINUTES**

3 - 22

To confirm and sign the Minutes of the meeting held on 9 March 2016.
To confirm and sign the Minutes of the meeting held on 4 May 2016.

4 **LICENSING ACT 2003 PREMISES LICENCE – GRANT 178 SOHO HILL, HOCKLEY, BIRMINGHAM, B19 1AG, (FORMERLY FAITH AND CONFIDENCE SOCIAL CLUB)**

23 - 46

Report of the Acting Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am on Wednesday 25 May 2016.

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

LICENSING SUB COMMITTEE C 9 MARCH 2016

**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE C
HELD ON WEDNESDAY 9 MARCH 2016
AT 1000 HOURS IN COMMITTEE ROOM 1
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Alex Buchanan in the Chair

Councillors Mike Leddy and Neil Eustace - (Nozomi),
Councillor Barbara Dring - (Beorma)

ALSO PRESENT

David Kennedy, Licensing Section
Sanjeev Bhopal, Committee Lawyer
Gwin Pountney, Committee Manager

NOTICE OF RECORDING

1/090316

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

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

2/090316

There were no apologies or nominee members.

3/090316

MINUTES

The Minutes of the meeting held on 24 February 2015, having previously been circulated were confirmed and signed by the Chair.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT NOZOMI, UNIT 1, 5 – 11
FLEET STREET, BIRMINGHAM, B3 1JP**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document no. 1)

The following persons attended the meeting:-

On behalf of the Applicant

Lord A Rashid - Applicant
Mr Heath Thomas – Solicitor
Ms Nicola Stansbie –
Mr Tony Higgins – Acoustics Specialist
Mr Leonard Coppage – Freedom Security

Those making representations

Mr Paul Samms – Birmingham Environmental Health
Mr Brian Simpson – Islington Gates Management
Mr Tom Thomson – Local Resident

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy, Licensing Section.

Mr Thomas made the following points with regards to the application and in response to questions from Members:-

- a) Provided a background of the site on which Nozomi was based and which had previously been the location for 2 previous late night restaurants, both of which had ceased to exist but had had no complaints or reviews against them.
- b) The hours requested for licensable activity were much reduced than those originally sought – 10.00am until midnight every Sunday to Thursday and 10.00am until 1.00am on Friday and Saturday.
- c) This would be a high end restaurant serving Sushi, Japanese food, Tapas and cocktails. This would be the first Nozomi restaurant outside of London, an exclusive restaurant serving contemporary food.
- d) There would be no regulated entertainment on the premises, only background music for the diners.
- e) Whilst being aware of the concerns of local residents it was pointed out that these premises were not in a cumulative impact zone.
- f) Outlined the steps that would be taken to promote the licensing objectives, as contained within the report, e.g. alcohol sales being ancillary to a table meal, staff training, the deployment of suitably experienced staff being employed at all times whilst entertainment was provided and uniformed Marshalls directing customers away from residential properties and no smoking at the front of the premises. Furthermore conditions had been agreed with Environmental Health (EH) regarding no drinking in the courtyard after 10.00pm and for EH to approve the number of Street Marshalls controlling the external areas.

- g) That West Midlands Police had made no objections to the licence following agreement with the applicant of conditions regarding door supervisors and the use of the premises for any other purpose than as a restaurant.
- h) Addressed the representations that had been received stressing that: there had no history of public nuisance from the premises since receiving its licence in 2005, that the requested hours had been reduced, that the establishment would be well managed and there would be no noise from taxis waiting for customers as the premises had a local agreement with a taxi company regarding the collection of customers and that of the 144 units at Islington Gates only 6 had made any comments regarding Nozomi to the management.
- i) Asked that the licence be granted in line with the conditions agreed with West Midlands Police and with Mr Samms in Environmental Health.
- j) That the restaurant would have 110 covers with a maximum of 20 people in the private dining area, smoking would only be allowed in the courtyard where there would be no seating and that he had visited the Nozomi restaurant in London to understand the type of premises this would be.

Mr Samms, in presenting his case and in response to questions from Members, made the following points:-

- a) That while he had withdrawn his objection to the application he still had a couple of concerns regarding the noise in the courtyard area and that there been a condition on the licence regarding environmental health approval for any changes to the premises' plan. (This was agreed by Mr Thomas on behalf of the applicant).

Mr Simpson in presenting his case objecting to the application and in response to questions from Members, made the following points:-

- a) That the premises were directly opposite Islington Gates, a commercial and residential development, with some apartments only 50 yards away from the venue.
- b) That when the premises had operated as Vietnam Moon the courtyard had been often used for regulated entertainment, thereby disturbing residents. It was therefore requested that the sale of alcohol and any other activity be prohibited in this area.
- c) There were no objections for the premises to be used solely as a restaurant.

In summing up Mr Heath on behalf of the Applicant stressed the historic use of the premises as a restaurant, which had been based on the same template but with greater hours. There had been no concerns raised regarding both of the previous restaurants other than the outdoor regulated entertainment, which these premises were not seeking. West Midlands Police had been content for the application to be granted with agreed conditions, the applicant was happy to agree to a

condition of no activity in the courtyard after 10.00pm, Environmental Health had agreed conditions and withdrawn their objection and therefore the application should be granted.

At 1130 hours the Chairman requested all present with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1215 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

4/090316

RESOLVED:-

That the application by Kai Restaurants Limited for a premises licence in respect of Nozomi, Unit 1, 5 -11 Fleet Street, Birmingham, B3 1JP **BE GRANTED** subject to the Conditions as agreed with West Midlands Police and the revised Conditions agreed with Birmingham City Council Environmental Health at the hearing, to promote the prevention of crime & disorder and prevention of public nuisance objectives in the Act:

1. Conditions agreed with West Midlands Police:-

- i) Door Supervisors will be in operation from 20:00 hours on Friday & Saturday. The number of staff will be determined by the venue's risk assessment.
- ii) The Premises Licence holder will ensure that when Door Supervisors are deployed, they will be in High Visibility coats/jackets when outside, and reflective tabards inside. Door Supervisors are to sign on and off duty every night, the signing in sheet to include their full name and full SIA badge number. Door Supervisors profiles to be retained on the premises for every Door Supervisor that is working at the premises or has done in the last 6 months. Profiles to be proof of identity (copy SIA badge, passport or photo driving licence) and proof of address dated in the last 6 months (utility bill, bank statement or other government letter). Profiles to be made available immediately on request to any Responsible Authority.
- iii) The venue will operate predominantly as a restaurant. Where any event is to take place that is not purely for the use of the restaurant, 28 days' notice is to be given to West Midlands Police licensing team at Steelhouse Lane Police Station in writing. Where less notice is given this event may go ahead if authorised by West Midlands Police, however the police retain the right to veto any such event. Notice to include details of persons booking the event including contact number, what entertainment is taking place and what security arrangements are appropriate.

2. Conditions agreed with Birmingham City Council Environmental Health at the hearing:-

- i) Notices shall be displayed within the licensed premises for customers to view giving details of taxi companies to use.
- ii) The premises shall not operate until the applicant has submitted a dispersion/management plan to Birmingham City Council Environmental Health for approval. The plan will outline how the venue will ensure that patrons leaving the venue do not disturb local residents. The plan is to include the number of street marshals needed to implement the plan.
- iii) The Designated Premises Supervisor shall ensure that the approved dispersion/management plan is implemented.
- iv) There shall be no regulated entertainment in the external areas at any time.
- v) Patrons will not be permitted to take drinks into the Courtyard area after 10pm.

together with an amendment to the following condition:-

Section M – steps to promote the four licensing objectives

d) The prevention of public nuisance

Uniformed Marshalls to be engaged to direct customers away from residential properties when leaving the premises and to ensure customers do not congregate in Fleet Street.

The Sub Committee carefully considered the Operating Schedule put forward by the applicant and the likely impact of the application but did not accept that there was evidence of a significant public nuisance, or risk to crime and disorder, arising from the proposed operation of the premises.

However, the concerns of the other persons were taken into account within the Conditions volunteered by the Applicant within their Operating Schedule. Some of these were varied by agreement with Birmingham City Council Environmental Health specifically to address the prevention of public nuisance.

The applicant had consulted with West Midlands Police as a result of which it accepted all the proposed conditions the Police had put forward, and on the basis of the agreed Conditions, West Midlands Police had agreed not to make representations as a Responsible Authority against the Grant of the application.

The Sub Committee felt that the revised Conditions volunteered by the

applicant following suggestions by Birmingham City Council Environmental Health would be sufficient to address the concerns of those making representations. Given that the sale of alcohol is to be ancillary to the sale of food, the Sub Committee felt that the type of operation being proposed was sufficient to prevent public nuisance.

The Sub Committee considers the conditions imposed and volunteered to be appropriate, reasonable and proportionate to address concerns raised.

The Sub Committee sympathised with those making representations, but were not on balance persuaded there was sufficient evidence to refuse the application. They felt that the Operating Schedule and proposed conditions were sufficient to properly promote the licensing objectives. The protection afforded to local residents was provided by the statutory review procedure set out within the Licensing Act 2003, as well as any Responsible Authority, particularly West Midlands Police, in the event of serious crime and/or serious disorder.

Those matters detailed in the Operating Schedule, and the Conditions as agreed with West Midlands Police together with the revised Conditions as agreed with Birmingham City Council Environmental Health at the hearing, and the relevant mandatory conditions under the Licensing Act 2003, will form part of the licence issued.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application, the written representations received and the submissions made at the hearing by the applicant, their legal adviser and those making representations.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

At this point Councillors Leddy and Eustace left the meeting and Councillor Dring attended the meeting for the second application.

**LICENSING ACT 2003 PREMISES LICENCE – BEORMA, UNIT 2, 5 – 11
FLEET STREET, BIRMINGHAM, B3 1JP**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document no. 2)

The following persons attended the meeting:-

On behalf of the Applicant

Lord A Rashid - Applicant
Mr Heath Thomas – Solicitor
Ms Nicola Stansbie –
Mr Tony Higgins – Acoustics Specialist
Mr Leonard Coppage – Freedom Security

Those making representations

Mr Paul Samms – Birmingham Environmental Health
Mr Brian Simpson – Islington Gates Management
Mr Tom Thomson – Local Resident
Mrs Yvonne Thomson – Local Resident
Mr Robert May – Local Resident

Following introductions by the Chairman, the main points of the report were outlined by David Kennedy, Licensing Section.

Mr Thomas and Mr Higgins made the following points with regards to the application and in response to questions from Members:-

- a) The application for Beorma had been changed significantly to what had been originally sought in respect of licensable activity for every day of the week. The comments regarding the representations had been taken into consideration and the application subsequently amended.
- b) The hours of operation now sought were every Saturday, every Bank Holiday Sunday, Christmas Eve, Boxing Day, New Year's Eve and New Year's Day 10.00am – 4.00am.
- c) The application would still comply with the four licensing objectives with the prevention of public nuisance being the main point of discussion as the main concern of the representations against the application.
- d) Beorma would be an exclusive club with a late night bar delivering a Miami style night life experience. This would be a venue that, artistes and performers would attend without the throng of the public – an exclusive clientele by invitation list or a table booked in advance – with no entrance simply by turning up at the door.
- e) All places would need to be reserved with all personal details including name, address and e-mail provided and checked and scanned upon arrival. Failure to produce valid ID would result in no entry to the premises.
- f) The premises would be waiter/ess hosting of tables with average spend per table envisaged to be around £1,000 per night - therefore requiring excellent security staff on the premises.

- g) The venue had a capacity of 220, but it was envisaged that this would generally be around 180.
- h) The applicant had volunteered conditions for the premises regarding CCTV, an incidents register, staff training, signage regarding dispersal, door staff, policies for the prevention of crime and disorder, risk assessments and agreed amended conditions with Environmental Health regarding the specification/installation of a noise limiter, notices regarding taxis, a dispersion management plan (without which the premises could not open), DPS management of the dispersal policy, no regulated entertainment in dispersal areas, no access to the courtyard, a noise assessment to be completed within 28 days of opening in agreement with environmental health and no entry to patrons of the premises after midnight.
- i) West Midlands Police had made no objections to the licence following agreement with the applicant of conditions regarding prior notification of events and comprehensive risk assessments for events.
- j) Addressed the representations that had been received pointing out that: this was not a cumulative impact area so an application could not be denied on the basis of number of premises within the area, that with regard to planning controls this was a separate regime from licensing therefore did not apply, however the premises would work to the most rigorous of the regulations. Additionally, noise problems at the venue at a temporary event notice (TENS) event on 30/31 January had been addressed following which an acoustics expert carried out noise assessment when the venue was open and reported no outside noise from the venue and that with regard to Islington Gates only 6 residents from 144 units had made any comments regarding Beorma to the management. Furthermore, customers leaving the premises would be escorted to their taxis by the Street Marshalls to avoid excessive noise, having waited for their taxis in the lobby area.
- k) That the final acoustics measurements had been carried out the previous weekend and therefore the report had been unavailable until recently.
- l) Mr Higgins then went through the acoustics report in detail regarding times and days of noise measurements, how noise problems would be alleviated through closed doors and windows and the use of a noise limiter, the reduction of customer service through an agreement with a taxi service who would contact the premise via phone on arrival and his conclusion that the noise from the premises added nothing extra to the existing noise levels within the area.
- m) That the level for the noise limiter would be set and monitored by environmental health.
- n) That the premises was already part insulated to avoid noise breakout and with the noise limiter there should be no noise problems outside the premises.
- o) That with the conditions agreed and the measures to be put in place there was no justification for reducing the hours from 4.00am closure.

- p) That the number of security staff for the premises had been increased from 6 to 12 and would all be SIA registered.
- q) That patrons would be by invitation or pre-booking only.

Mr Samms, in presenting his case and in response to questions from Members, made the following points:-

- a) That while he had withdrawn his objection to the application he still had some concerns: that the noise report had been received so late not giving him much time to study it in detail, that noise breakout from the lobby area would be difficult to control, that there should be no music at all in the lower area of the premises, that the location of the noise measurements may have missed noise at higher levels from fans and air handling units, no details had been provide regarding the location of the residents spoken to for the acoustic report and that the applicant may not be happy with the level set for the bass level of the music set by environmental health. He also hoped that the premises would be able to deliver the proposed dispersal policy of around 200 customers by security staff out of the building without disturbing local residents.
- b) That he would request that a condition be put on the licence that the premises would not be able to operate without approval of the dispersion plan by Environmental Health.

Mr Thomson in presenting his case objecting to the application and in response to questions from Members, made the following points:-

- a) That the premises were directly opposite Islington Gates, a commercial and residential development comprising of 144 units, with some apartments only 50 yards away from the venue.
- b) That the acoustics report had been received very late, only 2 days prior to the hearing.
- c) That no dispersal policy had been applied by Beorma at their TENs events with no security staff being present when the premises closed and patrons dispersed outside the venue with additional noise from cars, taxis and car horns, most of whom did not leave until 4.00am.
- d) That traffic flow would increase even further once the road works had ceased.
- e) That whilst this was not a cumulative impact area the impact of 4 licensed premises within a small area should be considered and the days of operation may be increased in future by a variation of the licence.
- f) That any noise assessments and noise limitation would need to be addressed prior to the opening of the premises.

Mr Simpson in presenting his case objecting to the application and in response to questions from Members, made the following points:-

- a) That the premises were directly opposite Islington Gates, a commercial and residential development, with some apartments only 50 yards away from the venue.
- b) That the objection to the licence was based on concerns regarding public nuisance, crime and disorder and public safety as this premises was much closer in location than the other licensed premises.
- c) The construction design of the premises was inadequate to counter noise breakouts, anti-social behaviour by patrons had been observed by residents at Islington Gates and there was constant noise from the premises until 5.00am in the morning.
- d) Residents had witnessed drunken and disorderly behaviour; there had been congregation of large numbers of patrons outside the premises and noise from traffic and customers leaving the premises.
- e) That the application should be refused based on the observations of the management of the premises at its last 5 events.

Mr May in presenting his case objecting to the application and in response to questions from Members, made the following points:-

- a) That the noise levels recorded in the acoustics report were sufficient to cause serious disturbance to sleep and were almost level to the serious noise guidelines.
- b) That the establishment was more suited to the city centre, not a residential area.
- c) That even with an average capacity of 180 people this would require 45 taxis at the venue for pick up – with no available parking area and increasing the noise nuisance.
- d) Deliveries to the premises would cause traffic problems during the day with no provision for loading/unloading bays at the premises.
- e) That opening a celebrity venue would cause further problems from crowds wanting to see them.
- f) There was no irrevocable guarantee that the premises would increase the number of nights of operation.

In summing up Mr May pointed out that even if the noise within the premises could be managed he had grave concerns regarding the management of dispersing 200 people at 4.00am in the morning with residents 50 metres from the premises

In summing up Mr Simpson stressed that the track record of the premises in ignoring planning permission and lack of dispersal management at the previous 5 events, together with concerns regarding the proposed marshalling system for

dispersal did not inspire confidence in the premises to maintain the agreed conditions. He concluded that the premises was in the wrong location for this type of entertainment and should be located in Broad Street.

In summing up Mr Heath on behalf of the Applicant stressed the historic use of the premises as a restaurant, which had been based on the same template but with greater hours. There had been no concerns raised regarding both of the previous restaurants other than the outdoor regulated entertainment, which these premises were not seeking. West Midlands Police had been content for the application to

In summing up Mr Thomson felt that the licensing oath should envisage the policy of 'do no harm'. The Sub-Committee should therefore bear in mind that if this licence was granted it would set a precedent for other premises. The 53 flats in close proximity had had their sleep disturbed at the last 5 events at the premises with big problems regarding the noise outside and no effective marshalling.

In summing up Mr Samms stressed that while he had withdrawn his objections and agreed conditions with the applicant this had been undertaken with some concerns about the effective operation of the premises with regard to noise pollution.

In summing up Mr Heath on behalf of the Applicant emphasised that the premises would only operate access via an invitation only or pre-booked basis. With regard to crime and disorder the West Midlands Police had agreed to the application with conditions and this had been prior to the amendment of hours of operation, i.e. grant as initially sought by the applicant.

He stressed that Mr Samms, who had been brutally honest regarding his concerns about the licence, had felt however he could not reuse the licence if the conditions proposed were proportionate, reasonable and could be complied with and had therefore agreed that the licence should be granted. Further conditions had been agreed with Mr Samms regarding further work to assess the premises within a tight timescale to the satisfaction of Environmental Health.

Mr Thomas pointed out that the breach of any conditions would lead to a review of the licence and with regard to noise nuisance to prosecution and fines and that those making representations were being overly sensitive about the grant of a licence for these premises due to the other licensed premises within the area. Furthermore of the 144 residents of Islington gates only 6 had raised concerns, demonstrating the level of feeling against this application and this was a city centre location, not a suburb, so the premises were not out of place.

Whilst mistakes had been made by the premises when operating these had been acted on: an acoustic consultant had been employed to undertake noise measurements internally and externally; further conditions had been agreed with Environmental health regarding a noise limiter, a taxi Marshall system had been proposed, a dispersal plan would be agreed with Environmental Health prior to opening the venue, there would be no off sales from the premises; parking was a matter for planning and highways; and finally if there was a need for the licence to be varied there would be an opportunity for residents to raise objections.

Mr Thomas concluded that the degrees of concerns by representations had been balanced by numerous stringent conditions and the application should therefore be granted.

At 1552 hours the Chairman requested all present with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1622 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

5/090316

RESOLVED:-

That the application by Biorme Trading Company Limited for a premises licence in respect of Beorma, Unit 2, 5 -11 Fleet Street, Birmingham, B3 1JP **BE GRANTED**

Those matters detailed in the operating schedule (subject to the revisions agreed with Environmental Health) and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued together with those conditions as agreed with:

- 1) West Midlands Police as set out in the email from PC Vicki Demuth BWC Licensing Central to Licensing Services, Birmingham City Council dated the 9 February 2016, timed at 13.04pm.
- i) Premises must supply a full month's list of events in writing to the Licensing Department of West Midlands Police (this will comprise of internally and externally promoted events including PA's). The monthly notification is to arrive 2 weeks prior to the start of the month. The monthly planner will include name of event, artists/DJ's performing (real name & stage name), hours of opening, expected numbers, and number and working hours of door supervisors. If there are changes or additions to the monthly planner, this should be resubmitted no less than 7 days prior to the amended event.
- ii) Where an event is proposed to take place at the premises: the Premises Licence Holder/DPS must provide to West Midlands Police (Birmingham West and Central Licensing Department) a documented risk assessment at least 28 days before the date of the proposed event. The Premises Licence Holder or DPS may provide to West Midlands Police (Birmingham West and Central Licensing Department) a documented risk assessment less than 28 days before the date of the proposed event, but no less than 7 days before which, once provided to West Midlands Police (Birmingham West and Central Licensing Department), West Midlands Police will have a right of veto over such events should they decide that by holding the event the Premises Licence Holder or DPS will not be promoting the licensing objectives. The premises must implement all recommendations of the Police made in response to this risk assessment that are designed to reduce the risks to the licensing objectives; Any Police recommendation must be communicated to the Premises Licence Holder or DPS prior to the event. If the Police recommendation is that the event must not take place because of a serious risk to the Crime and Disorder or the Public Safety licensing objectives, then an officer of the rank of Inspector or above from the Birmingham West and

Central Police Station must provide a written explanation of the reasons for the veto, at the same time as the recommendation or as soon as reasonably practicable after it.

- iii) If the premises has any external promoter the premises must give 28 days' notice of any such event to West Midlands Police (Licensing Department Birmingham West and Central Police Station). Notice must include full risk and security assessment. If additional control measures are needed they will become conditions for the duration of that event and any other events of the same name. Any additional measures to be communicated to the premises by West Midlands Police and retained on the premises and be produced when requested by any responsible authorities.
 - iv) All staff on the Premises shall be trained in recognising intoxicated customers and their responsibilities under the Act. Such training to be documented in a training register that is kept on the premises and available for inspection upon request by any responsible authority.
 - v) Door Supervisors will be in operation from 21:00 hours daily. The number of staff will be determined by the venue's risk assessment.
 - vi) The Premises Licence holder will ensure that when Door Supervisors are deployed, they will be in High Visibility coats/jackets when outside, and reflective tabards inside. Door Supervisors are to sign on and off duty every night, the signing in sheet to include their full name and full SIA badge number. Door Supervisors profiles to be retained on the premises for every Door Supervisor that is working at the premises or has done in the last 6 months. Profiles to be proof of identity (copy SIA badge, passport or photo driving licence) and proof of address dated in the last 6 months (utility bill, bank statement or other government letter). Profiles to be made available immediately on request to any Responsible Authority.
 - vii) Bottles of spirits can only be purchased and consumed within the clearly defined VIP area, which will be table service only. This area will be supervised by a member of security.
- 2) Paul Samms - Environmental Health - Birmingham City Council.
For the avoidance of doubt, the agreement with Environmental Health resulted in revisions to the Conditions within the Operating Schedule:

Section M – steps to promote the four licensing objectives

d) The prevention of public nuisance

A noise limiting device to be installed, in the premises, *to the specification and installation requirements of Birmingham City Council Environmental Health* and set at a level agreed with Birmingham City Council Environmental Health. All regulated entertainment, live or recorded, shall be controlled by the limiter.

Prior to the use of the premises for regulated entertainment, noise attenuation works to the premises shall be approved and implemented to the satisfaction of Birmingham City Council Environmental Health.

Save for *access/egress*, all doors and windows shall remain closed during regulated entertainment in the premises.

Uniformed Marshalls to be engaged to direct customers away from residential properties when leaving the premises and to ensure customers do not congregate in Fleet Street.

together with proposed new conditions as set out below:

- i) Notices shall be displayed within the licensed premises for customers to view giving details of taxi companies to use.
- ii) The premises shall not operate until the applicant has submitted a dispersion/management plan to Birmingham City Council Environmental Health for approval. The plan will outline how the venue will ensure that patrons leaving the venue do not disturb local residents. The plan is to include the number of street marshals needed to implement the plan.
- iii) The Designated Premises Supervisor shall ensure that the approved dispersion/management plan is implemented.
- iv) There shall be no regulated entertainment in the external areas at any time.
- v) The Patrons will have no access to the courtyard area.
- vi) A Noise Assessment shall be undertaken within 28 days (or such other date as agreed in writing with Birmingham City Council Environmental Health). The assessment shall be submitted and approved in writing by Birmingham City Council Environmental Health and all noise mitigation detailed in the report will be undertaken. The noise mitigation measures shall be completed within the timescale approved by Birmingham City Council Environmental Health.
- vii) No patrons will be allowed to enter the premises after 12.00midnight.
- viii) There will be no access to the premises from the rear of the building.

In addition to the above, the applicant had chosen to modify the days / hours for ALL licensable activities sought within the Application to **2200 hours to 0400 hours on Saturdays AND every Sunday preceding a Statutory Bank Holiday Monday, Christmas Eve, Boxing Day, New Year's Eve and New Year's Day.**

The Sub Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application but did not accept that there was evidence of a significant public nuisance, risk to crime and disorder and risk to public safety arising from the proposed and current operation of the premises to such an extent that the applicant could not demonstrate the proper promotion of the licensing objectives.

However, the concerns of the other persons were taken into account within the Conditions volunteered by the Applicant within their Operating Schedule. Some of these were varied by agreement with Birmingham City Council Environmental Health, specifically to address the prevention of public nuisance.

Members of the Sub Committee noted that the applicant had accepted all the Conditions proposed by West Midlands Police, as a result of which the Police had chosen not to make a representation against the grant of the premises licence.

The Sub Committee felt that the operating schedule, including the opening and closing times, restrictions on when licensable activities would take place, and conditions volunteered by the applicant would be sufficient to address the concerns of those making representations.

The Sub Committee considers the conditions imposed and volunteered to be appropriate, reasonable and proportionate to address concerns raised.

The Sub Committee noted that the premises had submitted Temporary Event Notices (TENs) during this year up to the prescribed maximum permitted under the Licensing Act 2003. Both West Midlands Police and Environment Health have to be served with a copy of any proposed TEN and have the opportunity to object. They chose not to do so as a result of which those TEN's took effect.

The applicant accepted that this had given them an opportunity to engage fully with the responsible authorities to demonstrate how the licensing objectives would be promoted in the current application, and the conditions reasonably required in order to evidence this. They had obtained and submitted in evidence an Acoustic Report by Enviroconsult to specifically address the issues of noise nuisance from the premises. The Sub Committee determined that the implementation of the recommendations, as agreed with Environmental Health would negate noise nuisance from the premises to nearby residents.

The Sub Committee sympathised with those making representations, but were not on balance persuaded there was sufficient evidence to refuse the application. They felt that the operating schedule and proposed and varied conditions were sufficient to properly promote the licensing objectives. The protection afforded to local residents was provided by the statutory review procedure set out within the Licensing Act 2003, as well as any Responsible Authority, particularly Environmental Health in the event of public nuisance. As it was, Environmental Health had chosen to withdraw their representation at the Hearing subject to compliance with the Conditions they had agreed with the applicant.

Those matters detailed in the operating schedule, revised Conditions and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application, the written representations received and the submissions made at the hearing by the applicant, their legal adviser and those making representations.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

6/090316 **OTHER URGENT BUSINESS**

There were no matters of urgent business.

The meeting ended at 1630 hours.

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CHAIRMAN

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C WEDNESDAY 4 MAY 2016

**MINUTES OF A MEETING OF LICENSING
SUB COMMITTEE A HELD ON WEDNESDAY
4 MAY 2016 AT 1000 HOURS IN
COMMITTEE ROOM 1, COUNCIL HOUSE,
BIRMINGHAM**

PRESENT: - Councillor Alex Buchanan in the Chair;

Councillor Mike Leddy.

ALSO PRESENT

Shaid Yasser - Licensing Section
Sanjeev Bhopal - Committee Lawyer
Gwin Pountney - Committee Manager

NOTICE OF RECORDING

1/040516 The Chair advised the meeting and it was noted that members of the press/public may record and take photographs except where there are confidential or exempt items.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

2/040516 There were apologies received from Councillor Neil Eustace but no nominee Member.

**LICENSING ACT – PREMISES LICENCE – REVIEW, POLISH SHOP
SPIZARNIA, 210 HIGH STREET, ERDINGTON, BIRMINGHAM, B23 6SH**

The following report of Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting:-

On behalf of Trading Standards:

Geary Warmington – BCC Trading Standards

On behalf of the Premises Licence Holder

There was no-one present on behalf of the premises licence holder.

Licensing Sub Committee C – 4 May 2016

The Sub-Committee were advised by the Committee Lawyer that whilst neither the premises licence holder or their legal representative nor those making representations against the premises were present, under Regulation 20 of the Hearing Regulations Act 2005 the hearing could take place in their absence.

The Chair took the decision that due to the seriousness of the case the hearing would proceed in the premise licence holder's absence.

Following introductions by the Chair, the main points of the report were outlined by Shaid Yasser, Licensing Section.

Mr Warmington made the following points in respect of his application and in response to Members' questions:-

- a) Referred to his report, at Appendix 2 of the papers, highlighting the visit to the premises on 15 February 2016 by BCC Trading Standards and Police Officers following information that had been received that illicit alcohol and cigarettes were being sold from the Polish Shop Spizarnia.
- b) A search of the premises had revealed a large quantity of spirits on display on the shelves did not carry the UK fiscal mark, indicating that no duty had been paid on the items.
- c) This had been pointed out to the woman in charge of the shop, who had subsequently called the owner, Mr Awat Ardf. Mr Ardf upon arrival had stated that whilst he was connected to the premise he was not the premises licence holder – he had been asked to look after the premises whilst the premises licence holder was in prison.
- d) Mr Ardf had stated that all the stock on the premises had already been there upon his taking over the premises.
- e) Four photos were presented of the illicit alcohol – of which 102 bottles had been seized of Krupnik, Wyborowa, Extra Zytnia and Starogardzka.
- f) A Companies House search for Nelly (UK) Ltd on 1 March 2016 had shown the company as being active but without directors since on 1 October 2015.
- g) A subsequent request on 7 April 2016 had shown that Mr Azah Hussain Ahmed had been the director at the time of the visit but had resigned on 5 April 2016.
- h) Further enquiries had revealed that Mr Ahmed, the premises licence holder may be in prison. An internet search had revealed a newspaper article of a Mr Azah Ahmed; the premises licence holder (PLH) for another shop in Leicester who had been convicted for sale of tobacco to underage customers. This was believed to be the same person as the PLH for Spizarnia as the address was the same as that registered at Companies House for Spizarnia.
- i) That the shop was being run without a DPS or PLH.
- j) That the delay upon acting upon the information received had been due to waiting for a sniffer dog as this was a joint exercise with the Police.

Licensing Sub Committee C – 4 May 2016

- k) That legal action would be pursued against Mr Ahmed upon locating him.
- l) The seized alcohol was valued at between £11- £15 per bottle – it had not been priced up.
- m) That he was in agreement with the representations made by Councillors Beauchamp and Moore that the premises was engaged in serious criminal activity and should have its licence revoked.
- n) Concluded that these premises were clearly in breach of their licensing conditions, out of control without a DPS or Premises Licence Holder without directors or leadership and Mr Ardf was not a personal licence holder and therefore had no experience of the licensing objectives, therefore the premises licence should be revoked.

At 1038 hours, the Sub-Committee adjourned and the Chair requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1042 hours, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

3/040516

RESOLVED:-

That having reviewed the premises licence held under the Licensing Act 2003 by Nelly UK Limited in respect of Polish Shop Spizarnia, 210 High Street, Erdington, Birmingham, B23 6SJ, following an application for a review made on behalf of the Chief Inspector of Weights and Measures, this Sub-Committee hereby determines

- 1) **TO REVOKE THE PREMISES LICENCE, and;**
- 2) **REMOVE AZGHAR HUSSEIN AHMED AS DESIGNATED PREMISES SUPERVISOR**

in order to promote the prevention of crime and disorder and public safety from harm objectives in the Act.

The Sub-Committee's reasons for revoking the licence and removing the Designated Premises Supervisor are due to concerns by the Chief Inspector of Weights and Measures in relation to the seizure of 102 bottles of illicit alcohol/spirits that were for sale at the Premises on the 15th February 2016. The items did not display the UK Duty Paid marks, but were nevertheless openly displayed on the shelves. These brands included Krupnik, Wyborowa, Extra Zytnia and Starogardzka.

The Sub-Committee carefully consider the guidance under Section 182 of the Licensing Act 2003 by the Secretary of State, particularly Reviews in connections with Crime. Given the circumstances set out above, the Sub-Committee felt that the Premises Licence Holder and DPS were undermining the Prevention of Crime and Disorder objective within the Act (given the seizure of such a large quantity of illicit alcohol).

In accordance with paragraphs 11.27 and 11.28 of Guidance issued by

the Home Office under S182, the sale of smuggled alcohol should be treated as particularly serious (11.27). In addition to this, the Sub-Committee were satisfied that the Premises Licence Holder and DPS were undermining the Prevention of Crime and Disorder objective within the Act to further crimes it was therefore appropriate to consider and indeed revoke the Licence, as there were no compelling reasons to depart from the Guidance.

The Sub-Committee had heard evidence from Chief Inspector of Weights and Measures, supporting the assertion made by other persons making representations, that where the premises are associated with serious criminal activity (as defined in paragraph 11.27 of the S182 Guidance) they are commonly associated with organised crime. Additionally, as a result of the enforcement visit, the Chief Inspector of Weights and Measures expressed grave concerns over the way the premises were managed. It also appeared that the Designated Premises Supervisor was responsible for significant management failures and had no control of the premises which in turn, called into question his competency to continue in the role. It was noted that the illicit alcohol was openly on sale on the shelves within the premises. No representations were received from either the Premises Licence Holder or the DPS to provide any explanation for the matters set out above, neither of whom attended the meeting. Such scant disregard for the seriousness of the matters before the Sub-Committee further demonstrated a fundamental failure on the part of both the Licence Holder and DPS.

The Sub-Committee gave consideration as to whether it could modify the conditions of the licence and suspend the licence for a specified period of not more than 3 months, but was not satisfied given the evidence submitted, that the licensing objectives would be properly promoted following any such determination. Revocation and removal of the DPS, were the only measures the Licensing Sub-Committee considered to be appropriate, reasonable and proportionate in order to properly promote the Licensing Objectives, particularly the prevention of crime and disorder and the promotion of public safety.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the written representations made by other persons, and the submissions made at the hearing by the officer from the Chief Inspector of Weights and Measures.

OTHER URGENT BUSINESS

4/040516 There was no urgent business.

The meeting ended at 1135 hours

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 25th May 2016
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	178 Soho Hill, Hockley, Birmingham, B19 1AG, (Formerly Faith and Confidence Social Club)
Ward affected:	Lozells and East Handsworth
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider a relevant representation that has been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption on the premises) to operate from 1:00pm until 02:00am (Monday to Thursday) and 1:00pm until 05:00am (Friday to Sunday).

To permit the provision of Regulated Entertainment consisting of recorded music to operate indoors only, from 1:00pm until 02:00am (Monday to Thursday) and 1:00pm until 05:00am (Friday to Sunday).

To permit the provision of Late Night Refreshment to operate from 11:00pm until 02:00am (Monday to Thursday) and 11:00pm until 05:00am (Friday to Sunday).

Premises to remain open to the public from 1:00pm until 02:00am (Monday to Thursday) and 1:00pm until 05:00am (Friday to Sunday).

2. Recommendation:

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

3. Brief Summary of Report:

An application for a Premises Licence was received on 5th April 2016 in respect of 178 Soho Hill, Hockley, Birmingham, B19 1AG, (Formerly Faith and Confidence Social Club).

A representation has been received from West Midlands Police, 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>5. Relevant background/chronology of key events:</p> <p>Vernon McKnight applied on 5th April 2016 for the grant of a Premises Licence for 178 Soho Hill, Hockley, Birmingham, B19 1AG, (Formerly Faith and Confidence Social Club).</p> <p>A representation has been received from West Midlands Police, as a responsible authority. See Appendix 1.</p> <p>The application is attached at Appendix 2.</p> <p>Site Location Plans at Appendix 3.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
<p>6. List of background documents:</p> <p>Copy of the representation as detailed in Appendix 1 Application Form, Appendix 2 Site Location Plans, Appendix 3</p>
<p>7. Options available</p> <p>To Grant the licence in accordance with the application. To Reject the application. To Grant the licence subject to conditions modified to such an extent as considered appropriate. Exclude from the licence any of the licensable activities to which the application relates. Refuse to specify a person in the licence as the premises supervisor.</p>

Appendix 1

ENTERED BV

From: Adam Mroczkowski
Sent: 28 April 2016 14:35
To: Licensing
Cc:
Subject: Objection to premises licence application for 178 Soho Hill, Birmingham, B19 1AG

Licensing,

West Midlands Police object to the premises licence application for 178 Soho Hill, Birmingham, B19 1AG.

The application made by Mr Vernon McKnight is very similar to an application made in September 2015 by a Mr Winston Richards for the same premises. This was refused by the Licensing Committee at a hearing. The hours on this application are later than the previous application and the usage and events at the premises also remain the same. A large section of the proposed operating conditions are also identical to the previous application which do not satisfy us that four licensing objectives will be promoted. Intelligence has also been received that Mr McKnight is a front for this application and the real people behind it are the previous operators trying to get back their licence. With the identical conditions, later operating times, and the intelligence we have received it is clear to West Midlands Police who is really behind this application.

This premises has a history of serious incidents involving firearms and gangs which the applicant was apparently unaware of. A meeting has taken place with Mr McKnight and our stance was explained. Suggestions on operating hours, premises usage and operating conditions were communicated to the applicant but we have been unable to agree on these.

This application gives us concern that the four licensing objectives will not be promoted putting the public's safety at risk and creating crime and disorder.

Regards
Adam

Adam Mroczkowski 55096
West Midlands Police
Planning and Licensing Officer
Birmingham West & Central Planning and Licensing Department
Switchboard: 101 Ext 861 3041

Website: <http://www.west-midlands.police.uk/>
Twitter: www.twitter.com/brumlicensing
Facebook: www.facebook.com/westmidlandspolice
YouTube: www.youtube.com/westmidlandspolice
Flickr: www.flickr.com/westmidlandspolice
View all our social media links

To report crime or anti-social behaviour which does not require an emergency response, please call 101. In an emergency, dial 999.

Our vision: Preventing crime, protecting the public and helping those in need

App ref: 95555.

Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES

Application for a premises licence to be granted
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/We Vernon McKnight

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description		BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED - 01.12.2013 REF NO. <u>£190 c/c payment</u> INITIALS <u>Received via telephone</u>	
178 Soho Hill Birmingham B19 1AG Formally known as Faith and Confidence Social Club			
Post town	Birmingham	Postcode	B19 1AG
Telephone number at premises (if any)	Number to be connected <u>0009458</u> <u>000039</u>		
Non-domestic rateable value of premises	£10,000.00		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|---|---|
| a) an individual or individuals * | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company | <input type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |

- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

*** If you are applying as a person described in (a) or (b) please confirm:**

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname McKnight			First names Vernon		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town	Birmingham			Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address		NOT APPLICABLE, THERE IS ONLY ONE APPLICANT			
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address NOT APPLICABLE
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

The premises is a three story building with off road parking, it is situated on the Soho Road which is a main commercial area. The premises has previously operated as a social club and has been a well established venue for the community.

The first floor will be used as a meeting room and occasional bar, lounge and dance area mainly for the over forties.

The ground floor will comprise a bar, lounge and general dance area, both the first and ground floor will be used for licencing activities.

The second floor will remain vacant and used as an occasional storage area.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (c), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I)

☒

Supply of alcohol (if ticking yes, fill in box J)

☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)			
Thur						
Fri						
Sat			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) The object of the club shall be to afford to its members the means of social activities, mutual helpfulness, mental and moral improvement and rational recreation. Entertainment will be provided by a DJ playing music for the over fifties on Saturdays and Sundays. Monday to Friday only background music will be played.	
Mon	13.00	02.00	State any seasonal variations for the playing of recorded music (please read guidance note 4) THERE WILL BE NO SEASONAL VARIATIONS	
Tue	13.00	02.00		
Wed	13.00	02.00		
Thur	13.00	02.00		
Fri	13.00	05.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) Where we wish the activity to go on longer than that permitted by the authorised schedule, the Premises Licensee of the club will apply for a special licence to cover those activities.	
Sat	13.00	05.00		
Sun	13.00	05.00		

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri					
			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing NOT APPLICABLE		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) <i>Already stated under F.</i>		
Mon	23.00	02.00			
Tue	23.00	02.00			
Wed	23.00	02.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.00	02.00			
Fri	23.00	05.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23.00	05.00			
Sun	23.00	05.00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	13.00	02.00			
Tue	13.00	02.00			
Wed	13.00	02.00			
Thur	13.00	02.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	13.00	05.00			
Sat	13.00	05.00			
Sun	13.00	05.00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Vernon McKnight	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>NONE</p>
--

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 6)</p>			<p>State any seasonal variations (please read guidance note 4)</p>
Day	Start	Finish	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Mon	13.00	02.00	
Tue	13.00	02.00	
Wed	13.00	02.00	
Thur	13.00	02.00	
Fri	13.00	05.00	
Sat	13.00	05.00	
Sun	13.00	05.00	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

All staff will be trained on licencing issues
CCTV system with twenty-four hours recording and infra-red camera will be installed and made accessible to the west Midlands police. The premises licence holder will conduct regular reviews on the operating of the club.
SIA registered door supervisor will be used, they will also be required to patrol the premises during opening times. A database of patrons will be established and potential troublemakers barred from the premises.
The DPS will be present at all times

b) The prevention of crime and disorder

We will be implementing challenge 25 and putting in place a search and drug policy, this will be reinforced by having regular staff meetings along with placing notices around the premises. Further, security staff will be required to patrol the premises during opening times.
Patrons entering the premises will be searched with a hand held wand and a security metal detecting system will be instituted at the main entrance door. A membership data base will be introduced, as the intention is to have a membership based facility. Risk assessment for both floors that will be used will be done, the managers of the facility will work closely with the police and comply with any request they make.

c) Public safety

A clicker will be used to control the number of patrons allowed into the building, there will be clearly marked designated fire exit and fire extinguishers as recommended by the fire officer.
Emergency lighting and removal of trip hazards to ensure the total safety of the public. There will be a designated first Aider and fire Marshall on site.
There will be an incident book to record any incident, the contents of which will be used in the training of staff to sharpen their focus, tighten security and improve public safety.

d) The prevention of public nuisance

Music will be kept to a reasonable level with the provision of a noise limiting device.
Doors and windows will be kept shut.
Members will be instructed not to make unnecessary noise when leaving the premises.
There will be notices asking patrons to leave the building quietly and politely.
Door supervisors will oversee the patrons when they are leaving the premises.

e) The protection of children from harm

The management will adhere to the principles underpinned in the Children Act and the Health and safety Act.
All children whilst on the premises will be accompanied by their parents or guardians.
The lounge area will be used to accommodate children during licencing activities and thus ensure that they are away from where beverages are served.
No children will be allowed if there is adult entertainment.
Attendance will be permitted when children activities are taking place.
All children will leave at 21.00hrs on a Sunday.
All the relevant authorities will be informed if required, ie the police, children and health services.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

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

Part 4 -- Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

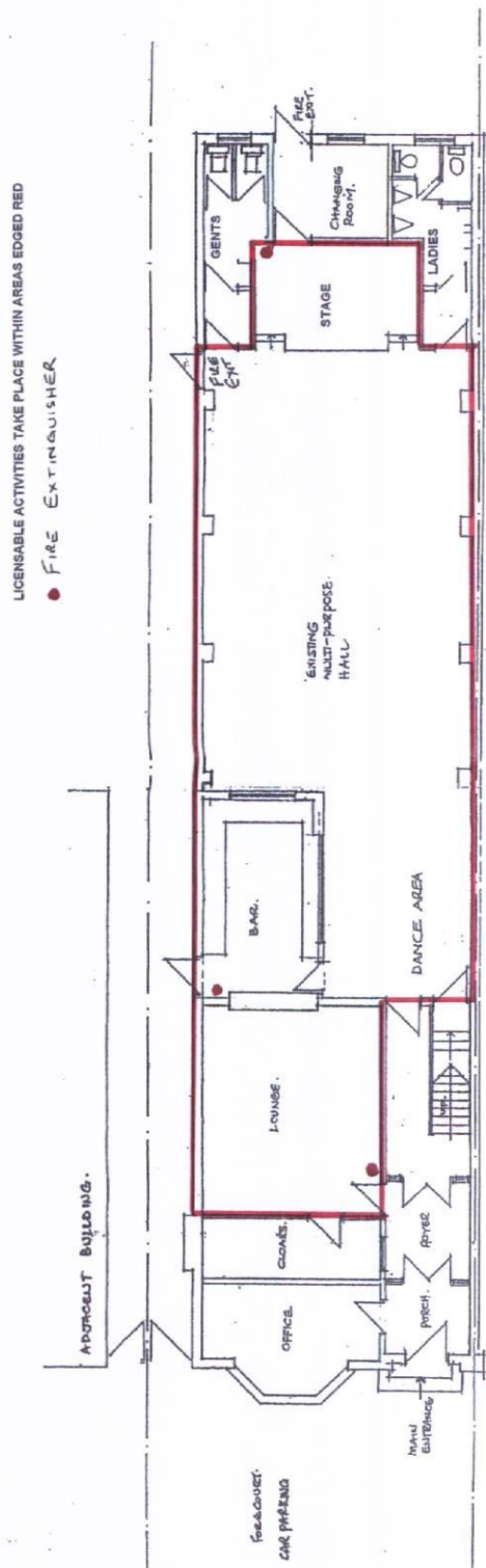
Signature	
Date	1st March 2016.
Capacity	Applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	NOT APPLICABLE
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

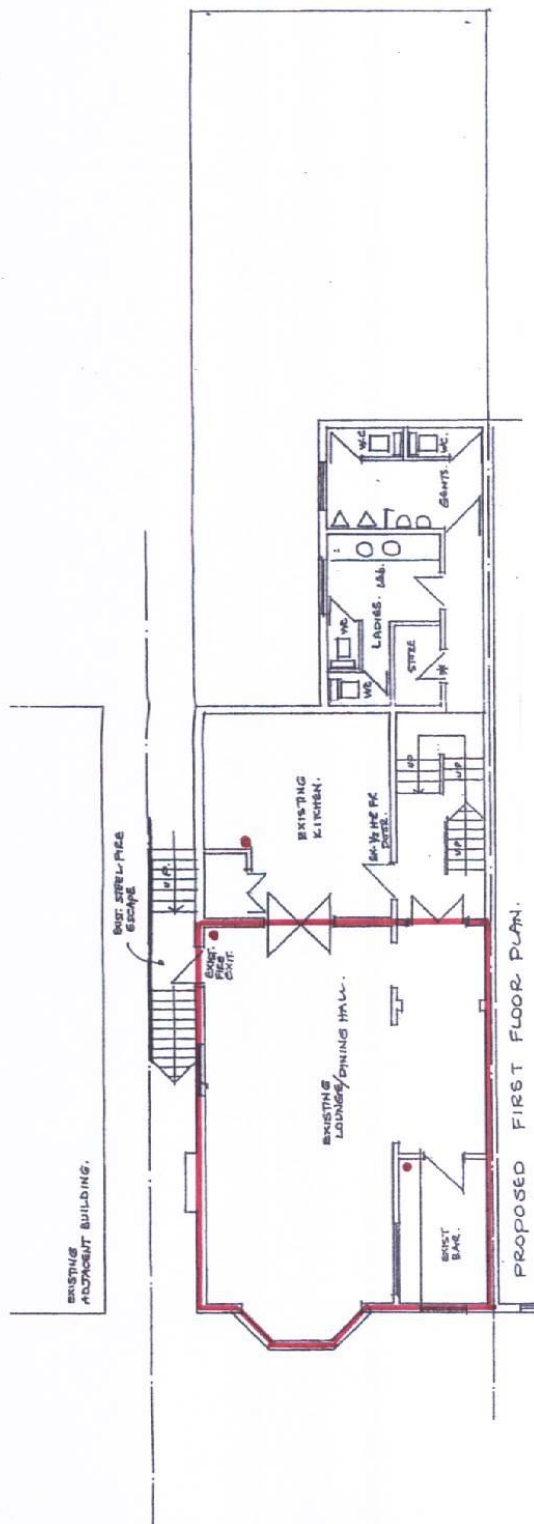
Post town		Postcode
Telephone number (if any)		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)		



GROUND FLOOR PLAN AS EXISTING.



REVISIONS:	R/S. 178 SOHO HILL HANDSWORTH . PLAN LAYOUT.
	DRG NO. <u>810411</u> SCALE: 1/100



LICENSABLE ACTIVITIES TAKE PLACE WITHIN AREAS EDGED RED

● FIRE EXTINGUISHER

RE 178 SOHO HILL HANDSWORTH. PROPOSED ALTERATIONS
DWG NO. 8/92/



Birmingham City Council

Map Created By:

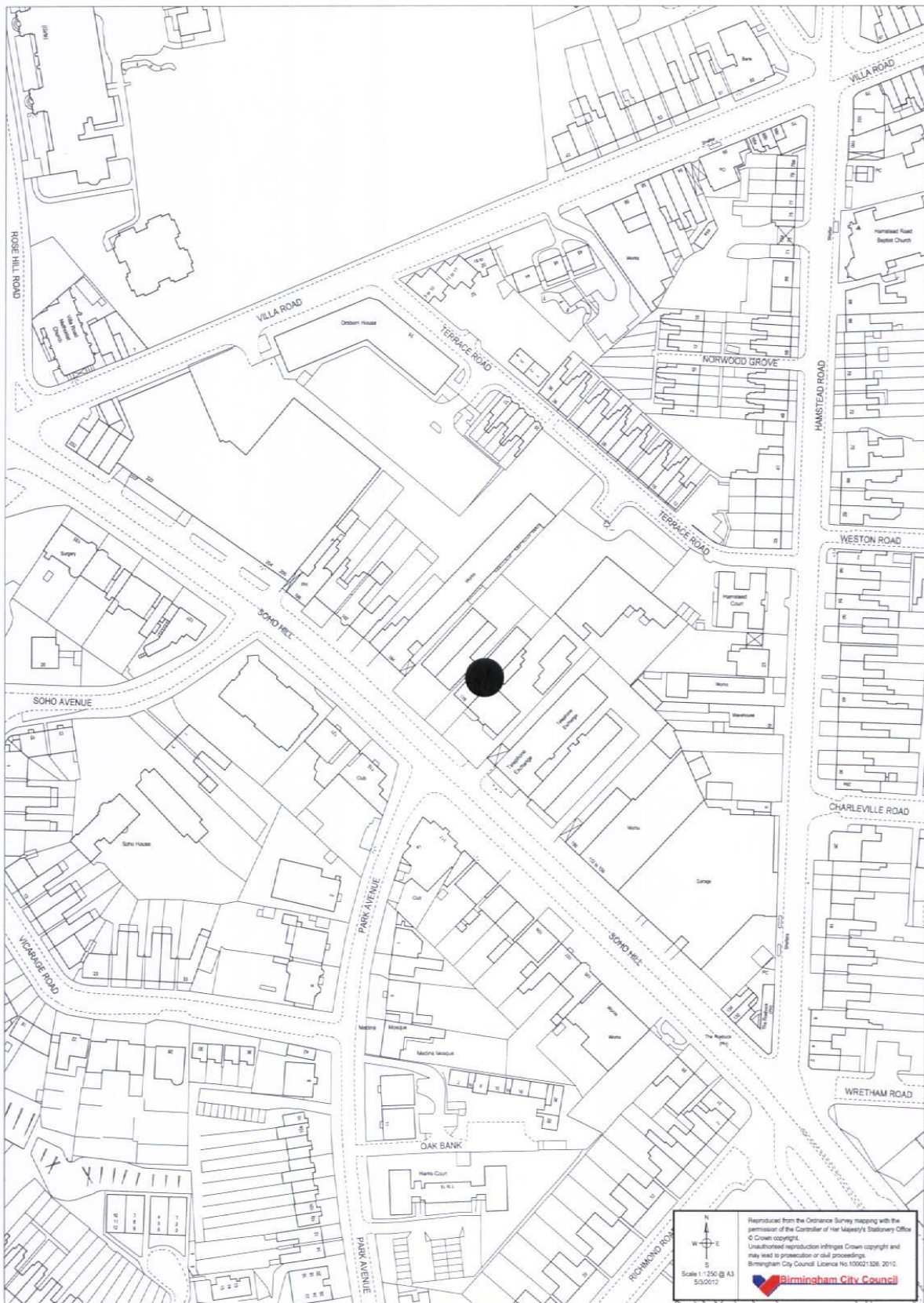
Notes

Date of Map Creation: 05/05/2016



Scale:
1:2,500

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Produced by the Survey & Mapping Team, BPS, Corporate Resources Directorate, 10 Woodcock Street, Birmingham, B7 4BL Tel 303 3932.