

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 04 NOVEMBER 2024 AT 12:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

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

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 DECLARATIONS OF INTERESTS

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

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

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

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

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

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3 - 14

4 **MINUTES**

To confirm and sign the Minutes of the meeting held on 16 September 2024 at 1000 hours.

15 - 58

5 **LICENSING ACT 2003 PREMISES LICENCE – GRANT BOXPARK
BHAM, RAILWAY ARCHES 23 – 25 BETWEEN FLOODGATE STREET &
MILK STREET, DIGBETH, BIRMINGHAM, B5 5SL**

Report of the Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 12:00pm.

6 **OTHER URGENT BUSINESS**

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

BIRMINGHAM CITY COUNCIL

**LICENSING
SUB-COMMITTEE A,
MONDAY 16 SEPTEMBER,
2024**

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD
ON MONDAY 16 SEPTEMBER, 2024 AT 1000 HOURS AS AN ON-LINE
MEETING.**

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Diane Donaldson and Maureen Cornish.

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Louisa Nisbett - Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/160924 **NOTICE OF RECORDING/WEBCAST**

The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/160924 **DECLARATION OF INTERESTS**

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

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

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

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

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

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/160924 An apology was submitted on behalf of Councillor Ziaul Islam. Councillor Diane Donaldson was the nominee Member.

**LICENSING ACT 2003 PREMISES LICENCE – GRANT – SERENITY
COCKTAIL BAR AND CAFÉ, 118 BOLDMERE ROAD, BOLDMERE, SUTTON
COLDFIELD, B73 5UB**

4/160924 The following report of the Director of Regulation and Enforcement was submitted:-

(See document no. 1)

On behalf of the Applicant

Jowayne Taylor – Applicant
Kerry Cox – Agent for Applicant
Scott Winters - DPS

Those Making Representations

Helen Powell
Sarah and Steven Say
(It was noted that Diane Anthill had withdrawn her representation this morning and would not take part in the meeting)

* * *

The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

The Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present the report. David Kennedy, Licensing Section, outlined the report.

The Chair then invited the applicant to make their submission. Kerry Cox, Agent for the Applicant made the following points on their behalf: -

- a) Kerry Cox, Agent for the Applicant introduced Mr Taylor, Applicant and Mr Winters, the proposed Designated Premises Supervisor (DPS) who were present.
- b) Mr Taylor was already a Premises Licence Holder and had experience of managing the same type of café/lounge venue.
- c) The proposed DPS had extensive experience in the trade. He had held a personal licence for eight years and had run his own hospitality company for the last 15 years. He also had experience of working for Environmental Services and had run a number of corporate, business and private events on a weekly basis.
- d) They had worked with Environmental Health to consider the representations made by themselves and residents. The Applicant had agreed to a condition suggested by Environmental Health prior to the meeting to remove the provision of regulated entertainment (both indoors & outdoors) from the scope of the application and this condition had been agreed between themselves and Environmental Health.
- e) Kerry Cox reminded the Sub-Committee of paragraph 9.12 of the Guidance issued under section 182 of the Act, which advised that the responsible authorities should be the main source of advice as they were the experts in their respective fields. Environmental Health had now withdrawn their representations. There was now therefore no representation made from any responsible authority in relation to the grant.
- f) Kerry Cox made reference to antisocial behaviour, noise pollution and the protection of children in relation to the representations made. She spoke about the Temporary Event held on 21-22 June, 2024 whereby the road had been closed off to hold a Festival in agreement with the local authority. There had been around 60 vendors operating on the street and also a brass band playing music, however only this premises had been targeted to make representations against in terms of responsibility for the issues. There had been no objection to any other temporary events held during the summer.
- g) Prior to the application being submitted the applicant and the proposed DPS had attempted to engage with local residents and offered to replace the fencing with a particular type of fencing that would limit the noise, making it slightly higher and planting foliage to reduce travel of the noise, but those suggestions had not been taken up.
- h) The premises had been called Serenity for a reason and this was reference to a state of being calm, peaceful and untroubled, which was the intention of this café/lounge.
- i) In response to a question Kerry Cox, Agent confirmed that the entrance would be at the front of the property and the exit at the rear. The rear entrance would only be used for emergencies. There was a car park at the rear of the premises which the applicant did not have control over, but in terms of the applicant's

premises specifically, the rear would be an emergency exit only, and no members of the public would have general access to use the exit.

- j) It could be confirmed that the applicant did not intend to install a new kitchen.
- k) They planned to fit a security gate at the end of the wall and fence at the back as it had been identified as a security issue. Tesco had replaced the fencing and wall and there was no other access point. Access via the gate will be for staff only.

The Chair then invited Helen Powell, local resident to make her presentation. During her presentation she made the following points:-

- a) She was pleased to hear about the security gate. She lived over the road and at the back of the premises.
- b) She was concerned about the arrangements for litter/waste collection. Following the festival in June the rubbish had been left for 2 weeks. She hoped that there would be bins for the premises. There was rubbish left at the back of the premises this morning.

The Chair then invited Sarah and Steven Say to make their representations. During their presentation they made the following points: -

- a) They had listened to the proposed DPS about his experience which they did not think was apparent owing to the issues. They had made a complaint on 21 and 22 June 2024 when there had been significant noise after 1800 hours when the festival had finished and they also had a video showing this.
- b) In relation to the number of complaints, they had complained to Environmental Services a number of times. They had referenced the worst occasions. On some occasions they were away from their property. If this is permanent they live there and will be affected. As soon as there were customers at the back of the premises this led to noise.
- c) The vendors had not had any engagement with them about any noise measures or replacing the fence.
- d) The name Serenity was irrelevant. There would still be noise and there was evidence that there had been extreme noise and antisocial behaviour.
- e) With regard to the kitchen, they would like to know what the people on site in a horse type vehicle were doing. They needed a guarantee that no food would be served onsite. The space at the back was not wide enough for vehicles and for a car park and vendors. The use of vendors would result in noise and pollution,
- f) The rear of the property was close to two junctions. They were concerned there would be an accident in the future. Quite thick fencing would be needed also was there any planning permission for the gate proposal.

- g) They lived at the neighbouring property to the back of the property separated by a small fence. They had 3 small children and she spoke on their behalf. They were not sure what measures were being put in place to manage the noise. They were affected because of their proximity to the premises.
- h) They hear the noise from other properties operating outside until 2100 hours such as the Lounge, however they were 20 metres away with trees or woodland separating the outdoor seating from neighbouring gardens.
- i) Any noise will affect them when there were customers in the outside space. The June events were unbearable and unpleasant for them and their wellbeing. Even when the doors were closed they could hear the noise as soon as they were opened.
- j) There was litter from the premises who have inadequate waste arrangements. The trust between them and the premises had been broken down and other people in the community felt the same. They did not believe there should be any business at the back at all and the doors should be kept closed.
- k) Even with the windows closed the children could not get to sleep as they could hear the noise.
- l) They urged the Sub-Committee to reject the application on the grounds of the protection of children, public nuisance, crime and disorder and their safety.

The Chair invited Helen Powell to make a closing submission however she said she had nothing more to add.

The Chair then invited Sarah and Steven Say to make a closing submission. They also had nothing more to add.

The Chair then invited the applicant to make a closing submission. Kerry Cox made the following closing statements on behalf of the applicant:-

- They had taken onboard everything that had been said and wanted to address all the concerns working with residents going forward.
- There had been some WhatsApp messages sent regarding working with residents.
- The application had been scaled back. Environmental Services had visited the premises and additional conditions had been agreed with them. There had been 14 other TENS where no complaints had been made. No conditions were required for a TENS but for this licence if granted there would be been a lot of conditions agreed. .
- The licence for the Lounge premises included regulated entertainment until 0200 hours and the provision of regulated entertainment (both indoors & outdoors) this element had been removed from the scope of this application.

- The Sub-Committee was invited to grant the application as they had addressed the concerns and representations that had been made.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session. A full written decision was sent to all parties within 5 working days as follows;

5/160924

RESOLVED:-

That the application by JSTN449 LTD for a premises licence in respect of Serenity Cocktail Bar and Café, 118 Boldmere Road, Boldmere, Sutton Coldfield B73 5UB, be granted as follows:

1. The use of the rear external area shall be prohibited until such time as:
 - the external area is clearly delineated, and
 - the installation of a gate, as offered during the meeting, is completed
2. Both of the conditions agreed between the applicant and the Environmental Health department of the City Council in advance of the meeting shall be adopted, namely:
 - the external seating areas shall only be used between 10.00 hours and 21.00 hours daily
 - there shall be a noise management plan produced by the applicant and agreed by Environmental Health for controlling noise in the external areas

The Sub-Committee noted that the request regarding the provision of regulated entertainment (both indoors & outdoors) had been removed from the scope of the application. Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

The applicant attended the meeting in person, together with the proposed designated premises supervisor. They were represented by a licensing agent. The written representation submitted by the Environmental Health Department of the City Council (in the Committee Report) had been withdrawn, because the provision of regulated entertainment had been removed from the scope of the application and the two conditions suggested by Environmental Health had been agreed by the applicant before the meeting.

Further written representations were in the Committee Report at Appendices 2 to 10 of the report; of these, the representation at Appendix 6 had also been withdrawn since conditions had been agreed with Environmental Health. The person who had made a representation at Appendix 3, and the two persons who had made a joint representation at Appendix 7, attended the meeting in person to address the Sub-Committee.

The agent explained that the applicant was already a licence holder for another premises and therefore had experience of managing a café/lounge type venue. The proposed designated premises supervisor had extensive experience in the trade,

as he had been a personal licence holder for eight years and had also run his own hospitality company for the last 15 years. His company ran a number of events across the year, including corporate events for businesses, private events for private individuals, festival bars and VIP areas. He was accustomed to dealing with different environments for events.

The agent explained that regulated entertainment had been removed from the scope of the application, after the applicant considered the representations that were received from local residents and Environmental Health. The conditions agreed with Environmental Health were in line with other premises in the vicinity.

The agent reminded the Sub-Committee of paragraph 9.12 of the Guidance issued under section 182 of the Act, which advised that the responsible authorities should be the main source of advice as they were the experts in their respective fields. She noted that Environmental Health had suggested conditions which they considered appropriate, and thereafter had withdrawn their representation. The Sub-Committee accepted this.

Moreover, regarding the representations received raising concerns about antisocial behaviour, noise pollution and the protection of children from harm, she observed that no representations had been made from any responsible authority. The Sub-Committee noted this.

She further observed that the applicant had held a number of temporary events; of these, only one had been mentioned within the representations received from the local residents. It was one which had been held from the 21st to the 22nd of June, and on that particular weekend the street had been closed off to hold a festival, in agreement with the local authority. There had been around 60 vendors operating on the street, and a brass band playing throughout the day and into the evening.

She felt that those making representations had not considered the fact that the event had been a street festival, and the issues mentioned had been caused collectively by all the other premises, and others who were invited for the day. It had been a local council event organised by the local people – yet those making representations were targeting one premises in terms of responsibility for the issues. There had been no objection to the temporary event, or indeed to any of the other temporary events in the summer.

Before the application had been submitted, the applicant and the proposed designated premises supervisor had tried to engage with local residents because they were aware of the history and the issues that had surrounded other local businesses in the area. They had offered to replace the fencing with a particular type of fencing that would limit the noise, making it slightly higher and planting foliage to reduce travel of the noise, but those suggestions “were never taken up and went no further”, said the agent.

The agent observed that the applicant had worked closely with the responsible authorities and had come to an agreement with Environmental Health. She also

remarked that the premises had been “called Serenity for a reason”; she said that this was a reference to “a state of being calm, peaceful and untroubled”, which was “the intention of this café/lounge”.

The Members asked about egress and/or ingress at the rear of the premises. The agent confirmed that the entrance would be at the front of the property and the exit at the rear would only be used for emergencies. There was a car park at the rear of the premises which the applicant did not have control over, but in terms of the applicant’s premises specifically, the rear would be an emergency exit only, and no members of the public would have general access to come in that way. The agent also confirmed that the applicant did not intend to install a new kitchen.

The Chairman asked about the rear of the premises, where a rear alleyway led out on to the street, and asked whether there was anything to delineate the premises from that alleyway - any physical barrier or such. Those from the premises confirmed that the neighbouring property was Tesco. A new fence and partial wall had replaced a wall that had been falling down. The premises would be installing security gating once Tesco had finished their works. It would be “a six foot high gate”, and access via the gate at the rear would only be for staff, not patrons.

The Sub-Committee was aware that, under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk to the promotion of the licensing objectives. The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact have an adverse effect on the licensing objectives when hearing from those who had made representations.

The local resident at Appendix 3 addressed the Sub-Committee. She was pleased to hear that there was to be a security gate between her road and the back of the Serenity premises. The other thing she was concerned about was the litter/waste after the festival in June. She hoped that there would be bins for the premises. She had seen that other premises in the area were a branch of Tesco, an Indian restaurant and lounge; she noted that all their waste went to the back.

The persons who had made the joint representation at Appendix 7 then addressed the Sub-Committee. They had heard the agent describe those from the premises as experienced operators, but did not feel that the experience was apparent, as there had been noise issues at the recent Boldmere Festival after 18.00 hours, which was when the event finished.

They had noted the agent’s remark about there not being any other objections to the temporary events, but said that they had only referenced the worst of the occasions.

They had also complained to Environmental Health “on many occasions”. They had not received written communication referencing the replacement of the fence or any other noise measures. Their principal concern was the potential for noise nuisance.

They had noted a horse box type vehicle at the rear, and assumed that this might be used for food service; they were concerned that this could create noise nuisance. Regarding the confirmation that the rear would be for emergency use only, they felt that it was “simply not wide enough for significant vehicles to get down” and were concerned about tailbacks of traffic if anyone were to try to access it. They were also worried about general safety issues regarding their small children and the use of the alley by van drivers.

Their property was the immediate neighbour of the Serenity premises, and their house and garden backed onto the outside rear space of the premises, separated by a small fence. They understood that some adjustments had been made to the application, including measures to manage the noise. However, they remarked that they were “not sure there are any measures that could be put in place that would actually prevent us from being affected by the noise, purely because of the proximity of our house to this premises”. The Sub-Committee noted this.

They had noted that if the back door of another (separate) nearby premises was left open, they could hear noise and music emanating from inside that premises. They considered that an acoustic fence would not be sufficient, even though one had not been offered. Music was not the only issue; they felt that people outside drinking would be enough to disturb them. They further remarked that it would not matter if use of the outdoor space were to stop at 21.00 hours, as their children’s bedtime was earlier than this. Their other concerns were litter/waste, and the storage of new tables, chairs and other equipment.

They asked that the application be rejected in order to uphold the licensing objectives of the protection of children from harm, the prevention of public nuisance and the prevention of crime and disorder. They also considered that public safety was an issue.

When summing up, the applicant’s agent said that those from the premises had taken on board everything that the residents had said, and wanted to address their concerns and work with them moving forward. WhatsApp messages had been sent during the month of June to the residents, and those at the premises were keen for communications to continue.

The agent reminded the Members that the application had been scaled back considerably. There had been no representation from the Fire Service. Environmental Health had been satisfied by the adoption of some additional conditions onto the licence. The majority of the temporary events had not given rise to complaints. The Members noted this.

The agent further reminded the Members that if the licence were to be granted there would be conditions on it, unlike the temporary events in the summer. Regulated entertainment to 23.00 hours daily (00.00 hours on Bank Holidays) was no longer part of the proposal; this would have a significant effect on the anticipated noise levels.

The agent assured the Members that the application addressed the concerns and the representations that had been received; she again reminded them to bear in mind the Home Office Guidance at paragraph 9.12 – namely that the responsible authorities were the experts with regards to any issues. The Sub-Committee accepted this.

When deliberating, the Sub-Committee noted that the issue that had most worried both Environmental Health and local residents was the potential for noise nuisance. This had been dealt with by the removal of the regulated entertainment proposal, and the adoption of the two noise measures suggested by the Environmental Health department.

Issues such as waste were less of a concern. The area was not solely residential, as it was apparent that various commercial businesses, such as retail operations and hospitality venues, were trading in the area. Those at the premises were experienced and had assured the Members that they were keen to work with neighbours. The Sub-Committee therefore considered that the applicant and his staff would not create issues with waste. Other aspects, such as traffic problems from van drivers' use of the alley, were beyond the remit of the Sub-Committee.

Two of the local residents had made it clear that there was nothing that could satisfy them in terms of the prevention of noise nuisance. The Members, however, were satisfied that the potential for the creation of public nuisance issues described by all the objectors (including those who had submitted written representations but had not attended the meeting) had been sufficiently addressed by the proposed conditions. The operating schedule was focused on the promotion of the licensing objectives – as was the responsible style of trading proposed.

The agent had reassured the Sub-Committee that the applicant intended to uphold the licensing objectives. There were no reasons to suppose that the crime and disorder objective was at risk, as the Police had not made a representation. All in all, the Members were satisfied that trading would be safe, and noted that all areas of concern had been satisfactorily addressed. The request for regulated entertainment had been removed; after careful consideration, the Sub-Committee determined that the application could safely be granted with measures regarding the use of the rear area, and the agreed conditions adopted.

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 application for a premises licence, the written representations received, and the submissions made at the hearing by the agent for the applicant, those from the premises, and the persons 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.

The meeting ended at 1106 hours.

Chair.....

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Monday 4th November 2024
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Boxpark Bham, Railway Arches 23 – 25 Between Floodgate Street & Milk Street, Digbeth, Birmingham, B5 5SL
Ward affected:	Bordesley and Highgate
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider the 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 08:00am until 02:30am (Monday to Sunday).

The provision of Regulated Entertainment consisting of films, indoor sporting events, boxing or wrestling, live music, recorded music and performances of dance, to operate both indoors and outdoors, from 08:00am until 03:00am (Sunday).

To permit the provision of Late Night Refreshment, to operate both indoors and outdoors, from 11:00pm until 03:00am (Monday to Sunday).

Premises to remain open to the public from 07:00am until 03:00am (Monday to Sunday).

2. Recommendation:

To consider the representation that has been made and to determine the application, having regard to:

- The submissions made by all parties
- The Statement of Licensing Policy
- The Public Sector Equality Duty
- The s182 Guidance

3. Brief Summary of Report:

An application for a Premises Licence was received on 13th September 2024 in respect of Boxpark Bham, Railway Arches 23 – 25 Between Floodgate Street & Milk Street, Digbeth, Birmingham, B5 5SL.

A representation has been received from other persons.

4. Compliance Issues:
4.1 Consistency with relevant Council Policies, Plans or Strategies:
<p>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>Boxpark Trading Limited applied on 13th September 2024 for the grant of a Premises Licence for Boxpark Bham, Railway Arches 23 – 25 Between Floodgate Street & Milk Street, Digbeth, Birmingham, B5 5SL.</p> <p>A representation has been received from other persons, which is attached at Appendix 1.</p> <p>The application, including further conditions proffered by the applicant, is attached at Appendix 2.</p> <p>Conditions have been agreed with Environmental Health and the applicant, which are attached at Appendix 3.</p> <p>Site Location Plans at Appendix 4.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ol style="list-style-type: none"> The prevention of crime and disorder; Public safety; The prevention of public nuisance; and The protection of children from harm.
6. List of background documents:
<p>Copy of the representation as detailed in Appendix 1.</p> <p>Application Form, Appendix 2.</p> <p>Conditions agreed with Environmental Health, Appendix 3.</p> <p>Site Location Plans, Appendix 4.</p>
7. Options available
<p>To Grant the licence in accordance with the application.</p> <p>To Reject the application.</p> <p>To Grant the licence subject to conditions modified to such an extent as considered appropriate.</p> <p>Exclude from the licence any of the licensable activities to which the application relates.</p> <p>Refuse to specify a person in the licence as the premises supervisor.</p>

From: Duncan Craig
Sent: 07 October 2024 14:53
To: Licensing
Subject: Boxpark Bham, 25 Floodgate Street, Birmingham, B5 5SL

Dear Licensing

I act for Oval Real Estate Limited and I am instructed to make a representation against the application for the grant of a premises licence at the above address, dated 13th September 2024, by Boxpark Trading Limited.

My client objects to the grant of this licence on the grounds of all four licensing objectives, and especially the prevention of crime and disorder and the prevention of public nuisance.

In particular this application fails to appreciate the evolving nature of the area within which the premises is situated, especially the increasing number of residential properties in the vicinity, a trend that is set to continue. The immediate area around the premises has suffered from a discernible increase in crime, disorder and antisocial behaviour lately and it is felt by my client that the hours sought for licensable activities on the application in particular fail to properly take into account these factors, as the applicant is advised to do by the Section 182 Guidance and Birmingham City Council's own Statement of Licensing Policy.

Please could you acknowledge receipt of this objection within the 28 day representation period, and please could you forward all documents to me as appropriate.

Many thanks.

Kind regards,

Duncan Craig
Barrister

**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 Boxpark Trading Limited
(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			
Boxpark Railway Arches 23-25 (Between Floodgate Street/Milk Street) Digbeth			
Post town	Birmingham	Post code	B5

Telephone number at premises (if any)	To be Advised
Non-domestic rateable value of premises	Not Yet Assessed – Band A

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals * ☐ please complete section (A)
- b) a person other than an individual *
- i. as a limited company ☒ please complete section (B)
 - ii. as a partnership ☐ please complete section (B)
 - iii. as an unincorporated association or ☐ please complete section (B)
 - iv. other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ 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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth old or over			I am 18 years <input type="checkbox"/> Please tick yes		
Nationality					
Current residential address if different from premises address					
Post Town				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		
Date of birth old or over			I am 18 years <input type="checkbox"/> Please tick yes		
Nationality					
Current postal address if different from premises address					
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 Boxpark Trading Limited
Address Boxpark 3 rd Floor 60 Worship Street London EC2A 2EZ
Registered number (where applicable) 10338083
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) c/o Ewen Macgregor of TLT Solicitors
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? **ASAP**

Day	Month	Year
<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?

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

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

Bar, food and social hub.

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

n/a

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 read guidance note 2) Please tick yes

- 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 (e), (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 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
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 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon		0300			
	0800				
Tue		0300			
	0800		State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed		0300			
	0800				
Thur		0300			
	0800		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 6)		
Fri		0300			
	0800				
Sat		0300			
	0800				
Sun		0300			
	0800				

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon	0800	0300	
Tue	0800	0300	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed	0800	0300	
Thur	0800	0300	
Fri	0800	0300	<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 6)
Sat	0800	0300	
Sun	0800	0300	
	0800	0300	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	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 4)		
Mon		0300			
	0800				
Tue		0300			
	0800		State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Wed		0300			
	0800				
Thur		0300			
	0800		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 6)		
Fri		0300			
	0800				
Sat		0300			
	0800				
Sun		0300			
	0800				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take <u>place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon		0300	<u>Please give further details here</u> (please read guidance note 4)		
	0800				
Tue		0300			
	0800				
Wed		0300	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
	0800				
Thur		0300			
	0800				
Fri		0300	<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 6)		
	0800				
Sat		0300			
	0800				
Sun		0300			
	0800				

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Amplified recorded music.		
Mon		0300			
	0800				
Tue		0300			
	0800		State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed		0300			
	0800				
Thur		0300			
	0800		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 6)		
Fri		0300			
	0800				
Sat		0300			
	0800				
Sun		0300			
	0800				

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon		0300			
	0800				
Tue		0300			
	0800		State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed		0300			
	0800				
Thur		0300			
	0800		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 6)		
Fri		0300			
	0800				
Sat		0300			
	0800				
Sun		0300			
	0800				

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>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</u> (please read guidance note 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon		0300	Please give further details here (please read guidance note 4) Hot food and beverage at the managements discretion.		
	2300				
Tue		0300			
	2300				
Wed		0300	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
	2300				
Thur		0300			
	2300				
Fri		0300	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 6)		
	2300				
Sat		0300			
	2300				
Sun		0300			
	2300				

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 8)	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 5)		
Mon		0230			
	0800				
Tue		0230			
	0800				
Wed		0230			
	0800				
Thur		0230			
	0800				
Fri		0230	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 6)		
	0800				
Sat		0230			
	0800				
Sun		0230			
	0800				

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

Name To be Advised	
Date of Birth	
Address	
Postcode	
Personal Licence number (if known)	
Issuing licensing authority (if known)	

K

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 9)

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	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 6)
Mon		0300	
	0700		
Tue		0300	
	0700		
Wed		0300	
	0700		
Thur		0300	
	0700		
Fri		0300	
	0700		
Sat		0300	
	0700		
Sun		0300	
	0700		

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 10)

Please see attached proposed conditions

b) The prevention of crime and disorder

Please see attached proposed conditions

c) Public safety

Please see attached proposed conditions

d) The prevention of public nuisance

Please see attached proposed conditions

e) The protection of children from harm

Please see attached proposed conditions

Please tick yes

- 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 – Submitted online ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable – to follow ☐
- 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 ☒

~~(Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships) I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).~~ ☐

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Ewen Macgregor TLT Solicitors One Redcliff Street			
Post town	Bristol	Post code	BS1 6TP
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

BOXPARK (at ground and first floor)

Railway Arches 23 – 25 Between Floodgate Street/Milk Street Digbeth Birmingham B5

Proposed Hours of Operation and Draft Operating Schedule

HOURS

Opening hours

- Monday to Sunday 07:00 to 03:00 the following morning

Hours for the provision of licensable activities

Regulated Entertainment (Recorded music/live music/film/performance of dance, boxing, indoor sporting events)

- Monday to Sunday 0800 to 0300 the following morning

Late Night Refreshment

- Monday to Sunday 2300 to 0300 the following morning

Supply of Alcohol

- Monday to Sunday 0800 to 0230 the following morning

PROPOSED OPERATING SCHEDULE OF CONDITIONS

Prevention of Crime and Disorder

CCTV

1. CCTV shall be in use at the premises. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping.
2. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings upon request.
3. If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority shall be informed when faults are rectified.

Door security and security arrangement

4. The provision of door security will be risk assessed. A copy of the risk assessment will be retained on the premises and made available to the police and responsible authorities
5. Where door supervisors are employed the following conditions will apply:
 - (a) Door supervisors who have been approved by the Security Industry Authority or any accreditation scheme recognised by the Licensing Authority, shall be used to vet customers and maintain public order. The vetting process must include implementation of the premises' proof of age policy.
 - (b) The premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:
 - (i) Full Name

- (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation)
 - (iii) The time they began their duty
 - (iv) The time they completed their duty.
 - (v) This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request
6. When employed, all door supervisors shall be trained in regards of access and egress from the premises, the identification & recognition of intoxication, and the correct procedures to be followed when refusing entry. The Premises Licence Holder and/or Designated Premises Supervisor shall ensure door supervisors are properly briefed, trained and supervised to manage queues which may form to gain entry to the premises, in a safe and efficient manner. When door supervisors are engaged in searching persons, the Premises Licence Holder and/or Designated Premises Supervisor shall ensure that door supervisors of both sexes on duty and that they shall be fully trained in the use of their powers to do so. Door supervisors will be responsible for ensuring the safe, quiet and orderly dispersal of customers from the premises and the immediate vicinity of the premises.
7. Where applicable, all door supervisors shall be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.
8. Door staff will be identifiable by wearing either a high visibility coat, jacket, tabard and /or the wearing of an identical company uniform supplied by either the premises or security company.
9. There must be at the premises a lockable 'Drugs Box' to which no member of staff, save the DPS shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Merseyside Police for appropriate disposal.

10. The Premises Licence Holder or nominated person shall ensure that a clearly visible notice is displayed advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.
11. The Premises Licence Holder or nominated person shall ensure that where door supervisors are used to search patrons as a condition of entry, they will formulate the Drugs Policy. The policy will include an agreed procedure for the handling and retention of any article seized.
12. There will be no entry or re-entry to the site 30 minutes prior to the terminal hour of alcohol supply.
13. The premises licence holder shall ensure that an up to date search policy is maintained at all times which also addresses the risk of knife crime at the premises. The search policy shall be kept at the premises and made available to police and authorised officers of the council upon request.

Public Safety

Incidents & Welfare

14. An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority and/or Police Officer. The records will be retained for at least 12 months.
15. The premises licence holder shall ensure that suitable policies are implemented (such as Ask For Angela) to ensure the safety of vulnerable persons on the premises whilst the licensable activity is taking place.

Prevention of Public Nuisance

Noise & External Area

16. The Premises shall maintain and implement a Noise Management Plan (NMP)
17. A copy of the NMP shall be shared with responsible authorities in advance of the Premises opening
18. The NMP will be kept on site and made available to the responsible authorities on request.

19. The provision of regulated entertainment in the external areas of the premises will be limited to no later than 2200 (and thereafter shall be limited to background music only).
20. Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.
21. The Premises licence holder or nominated person shall carry out observations in the vicinity of the Premises when regulated entertainment is being provided from 21:00 until the terminal hour at the nearest noise sensitive Premises.
22. A record of these observations shall be recorded detailing the date, time, location of the observations and the name of person carrying out observations and details of any remedial action undertaken.
23. A copy of the noise log shall be made available to the responsible authorities on request.
24. The designated premises supervisor or nominated person shall be available at all times during regulated entertainment and is responsible for cooperating and liaising with any relevant responsible authority.
25. Clear notices shall be displayed at all points where customers leave the building and must instruct them to respect the needs of local residents and to leave the premises and area quietly.

Protection of Children from Harm

Training & Proof of Age

26. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers and illegal substance awareness. All training should be documented and available upon request from a relevant authority.
27. An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. A log of refusals shall be maintained on the premises alongside training records.

General

28. A Personal Licence Holder or a nominated deputy shall be available at the premises at all times during the hours when the premises are open to the public.
29. Adequate first aid facilities shall be provided within the premises
30. All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers. The use of glass products will only be permitted following a risk assessment for any events at the premises.
31. The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.
32. All major music or cultural events (and any live Boxing events) shall be subject to an Event Management Plan that will detail the nature, times and occupancy of the event, the overall safety management of the event and any event specific layout. The EMP must be submitted to the Licensing Authority and responsible authorities 28 days prior to any event and the final version be agreed with them before the event.



Appendix 2 continued – Further conditions proffered by the applicant

From: Ewen Macgregor
Sent: 13 October 2024 07:17
To: Licensing Online
Subject: Box Park Trading Limited Birmingham

Good morning Mohammed

Thank you for your email.

In answer to your questions below

1. Will there be defined hours during which children are permitted on the premises?

Anyone under the age of 18 entering the premises after 2000 must be accompanied by a responsible adult over the age of 25

No one under the age of 18 shall be on the premises after 2300

2. Will there be restrictions or exclusions in place regarding the presence of children under certain ages when particular activities are occurring (e.g., events involving live music or sports screenings)?

The attendance of children at events at the premises will be covered by the policy above.

3. Will there be any limits on the parts of the premises where children can be present?

No. Children will have access to all parts of the premises subject to 1 above

4. Will there be requirements for children to be accompanied by an adult?

Yes – as set out at 1 above.

In consideration of all of the above my client is happy for the following conditions to be attached to the licence:

- **Unless otherwise specifically provided in a documented risk assessment (a copy of which will be made available to the responsible authorities on request)**
 - (a) Anyone under the age of 18 entering the premises after 2000 must be accompanied by a responsible adult over the age of 25**
 - (b) No one under the age of 18 shall be on the premises after 2300**
- **Any events where a majority of the attendees are under the age of 16 to be risk assessed**

I look forward to hearing from you.

With best wishes

Ewen Macgregor
Partner
For TLT LLP

From: Mohammed X Ismail On Behalf Of Licensing Online
Sent: Friday, October 11, 2024 12:31 PM
To: Ewen Macgregor
Subject: Box Park Trading Limited

Dear Applicant ,

Public Health has reviewed the application and would like to make the following comments:

Re: The protection of children from harm

We recognise and welcome the proposed measures to prevent underage sales, such as staff training and the adoption of a proof of age scheme. However, to ensure the safeguarding of children, we respectfully request further clarification on several points related to the protection of children from potential harm in a large and dynamic venue like Boxpark.

Specifically, please could the applicant provide information on the following:

1. Will there be defined hours during which children are permitted on the premises?
2. Will there be restrictions or exclusions in place regarding the presence of children under certain ages when particular activities are occurring (e.g., events involving live music or sports screenings)?
3. Will there be any limits on the parts of the premises where children can be present?
4. Will there be requirements for children to be accompanied by an adult?

Kind regards

Mohammed Ismai

From: Aileen Rahilly

Sent: 03 October 2024 12:43

To: Licensing

Subject:FW: Boxpark Trading Limited Application for Grant of New Premises licence Railway Arches 23-25 (running between Floodgate Street and Milk Street) Digbeth Birmingham

Dear Sirs

Following discussions with the agent we have agreed to the conditions included in the attached schedule for public nuisance. For consistency of numbering the agent has attached the revised schedule of conditions.

Subject to these being applied we have no objections to the Box Park application.

Regards

Aileen

Aileen Rahilly

Environmental Protection Officer

From: Ewen Macgregor

Sent: Thursday, October 3, 2024 8:49 AM

To: Aileen Rahilly; Licensing Online

Subject: Boxpark Trading Limited Application for Grant of New Premises licence Railway Arches 23-25 (running between Floodgate Street and Milk Street) Digbeth Birmingham

Good morning

Pleased to say that all of your suggested changes are agreed by my client

I have attached FYI an updated operating schedule and copying in [@Licensing Online](#) so that they have the latest version.

If you could acknowledge receipt and confirm that based on the attached your concerns are addressed

I look forward to hearing from you

With best wishes

Ewen Macgregor

Partner

For TLT LLP

From: Aileen Rahilly

Sent: Wednesday, October 2, 2024 2:17 PM

To: Ewen Macgregor

Subject: Box Park Ltd

Ewen

I have reviewed the submitted operating conditions. My suggested amendments are in red.

Prevention of Public Nuisance Noise & External Area

16. The Premises shall maintain and implement a Noise Management Plan (NMP)

17. A copy of the NMP shall be shared with responsible authorities in advance of the Premises opening

18. The NMP will be kept on site and made available to the responsible authorities on request.

19. The provision of regulated entertainment in the external areas of the premises will be limited to no later than 2200 (and thereafter shall be limited to background music only).

20. ~~Clear notices displayed at all points where customers leave the building must instruct them to respect the needs of local residents and leave the premises and the area quietly.~~ *Prominent, clear and legible notices shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.*

21. The Premises licence holder or nominated person shall carry out observations in the vicinity of the Premises when regulated entertainment is being provided from 21:00 until the terminal hour at the nearest noise sensitive Premises.

22. A record of these observations shall be recorded detailing the date, time, location of the observations and the name of person carrying out observations and details of any remedial action undertaken.

23. A copy of the noise log shall be made available to the responsible authorities on request.

24. The designated premises supervisor or nominated person shall be available at all times during regulated entertainment and is responsible for cooperating and liaising with any relevant responsible authority.

25. ~~Clear notices shall be displayed at all points where customers leave the building and must instruct them to respect the needs of local residents and to leave the premises and area quietly~~ *Not required, repeats condition 20 above*

25. After 23:00 all doors, windows and glazed areas (including bifold doors, sliding doors and demountable doors) shall be kept closed except for the purposes of access and egress.

26. The disposal of empties and bottles into external bins shall not be done between 23:00 and 07:00.

27. No deliveries from suppliers shall take place between 19:00 and 07:00.

28. No commercial waste collection shall take place between 19:00 and 07:00.

Please get back to me asap. If your client is happy with the conditions I can inform licensing of our agreement and get the conditions attached asap.

Regards

Aileen

Aileen Rahilly
Environmental Protection Officer

BOXPARK (at ground and first floor)

Railway Arches 23 – 25 Between Floodgate Street/Milk Street Digbeth Birmingham B5

Proposed Hours of Operation and Draft Operating Schedule

HOURS

Opening hours

- Monday to Sunday 07:00 to 03:00 the following morning

Hours for the provision of licensable activities

Regulated Entertainment (Recorded music/live music/film/performance of dance, boxing, indoor sporting events)

- Monday to Sunday 0800 to 0300 the following morning

Late Night Refreshment

- Monday to Sunday 2300 to 0300 the following morning

Supply of Alcohol

- Monday to Sunday 0800 to 0230 the following morning

PROPOSED OPERATING SCHEDULE OF CONDITIONS

Prevention of Crime and Disorder

CCTV

1. CCTV shall be in use at the premises. The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points and the street environment, will be covered enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record whilst the premises are open to the public and recordings shall be kept available for a minimum of 31 days with date and time stamping.
2. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public. This staff member shall be able to show the police or the Licensing Authority recordings upon request.
3. If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority shall be informed when faults are rectified.

Door security and security arrangement

4. The provision of door security will be risk assessed. A copy of the risk assessment will be retained on the premises and made available to the police and responsible authorities
5. Where door supervisors are employed the following conditions will apply:
 - (a) Door supervisors who have been approved by the Security Industry Authority or any accreditation scheme recognised by the Licensing Authority, shall be used to vet customers and maintain public order. The vetting process must include implementation of the premises' proof of age policy.
 - (b) The premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:
 - (i) Full Name
 - (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation)
 - (iii) The time they began their duty
 - (iv) The time they completed their duty.
 - (v) This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the

particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request

6. When employed, all door supervisors shall be trained in regards of access and egress from the premises, the identification & recognition of intoxication, and the correct procedures to be followed when refusing entry. The Premises Licence Holder and/or Designated Premises Supervisor shall ensure door supervisors are properly briefed, trained and supervised to manage queues which may form to gain entry to the premises, in a safe and efficient manner. When door supervisors are engaged in searching persons, the Premises Licence Holder and/or Designated Premises Supervisor shall ensure that door supervisors of both sexes on duty and that they shall be fully trained in the use of their powers to do so. Door supervisors will be responsible for ensuring the safe, quiet and orderly dispersal of customers from the premises and the immediate vicinity of the premises.
7. Where applicable, all door supervisors shall be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.
8. Door staff will be identifiable by wearing either a high visibility coat, jacket, tabard and /or the wearing of an identical company uniform supplied by either the premises or security company.
9. There must be at the premises a lockable 'Drugs Box' to which no member of staff, save the DPS shall have access. All controlled drugs (or items suspected to be or to contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Merseyside Police for appropriate disposal.
10. The Premises Licence Holder or nominated person shall ensure that a clearly visible notice is displayed advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.
11. The Premises Licence Holder or nominated person shall ensure that where door supervisors are used to search patrons as a condition of entry, they will formulate the Drugs Policy. The policy will include an agreed procedure for the handling and retention of any article seized.
12. There will be no entry or re-entry to the site 30 minutes prior to the terminal hour of alcohol supply.
13. The premises licence holder shall ensure that an up to date search policy is maintained at all times which also addresses the risk of knife crime at the premises. The search policy shall be kept at the premises and made available to police and authorised officers of the council upon request.

Public Safety

Incidents & Welfare

14. An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority and/or Police Officer. The records will be retained for at least 12 months.
15. The premises licence holder shall ensure that suitable policies are implemented (such as Ask For Angela) to ensure the safety of vulnerable persons on the premises whilst the licensable activity is taking place.

Prevention of Public Nuisance

Noise & External Area

16. The Premises shall maintain and implement a Noise Management Plan (NMP)
17. A copy of the NMP shall be shared with responsible authorities in advance of the Premises opening
18. The NMP will be kept on site and made available to the responsible authorities on request.
19. The provision of regulated entertainment in the external areas of the premises will be limited to no later than 2200 (and thereafter shall be limited to background music only).
20. Prominent, clear and legible notices shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
21. The Premises licence holder or nominated person shall carry out observations in the vicinity of the Premises when regulated entertainment is being provided from 21:00 until the terminal hour at the nearest noise sensitive Premises.
22. A record of these observations shall be recorded detailing the date, time, location of the observations and the name of person carrying out observations and details of any remedial action undertaken.
23. A copy of the noise log shall be made available to the responsible authorities on request.
24. The designated premises supervisor or nominated person shall be available at all times during regulated entertainment and is responsible for cooperating and liaising with any relevant responsible authority.
25. After 23:00 all doors, windows and glazed areas (including bifold doors, sliding doors and demountable doors) shall be kept closed except for the purposes of access and egress.
26. The disposal of empties and bottles into external bins shall not be done between 23:00 and 07:00.
27. No deliveries from suppliers shall take place between 19:00 and 07:00.

28. No commercial waste collection shall take place between 19:00 and 07:00.

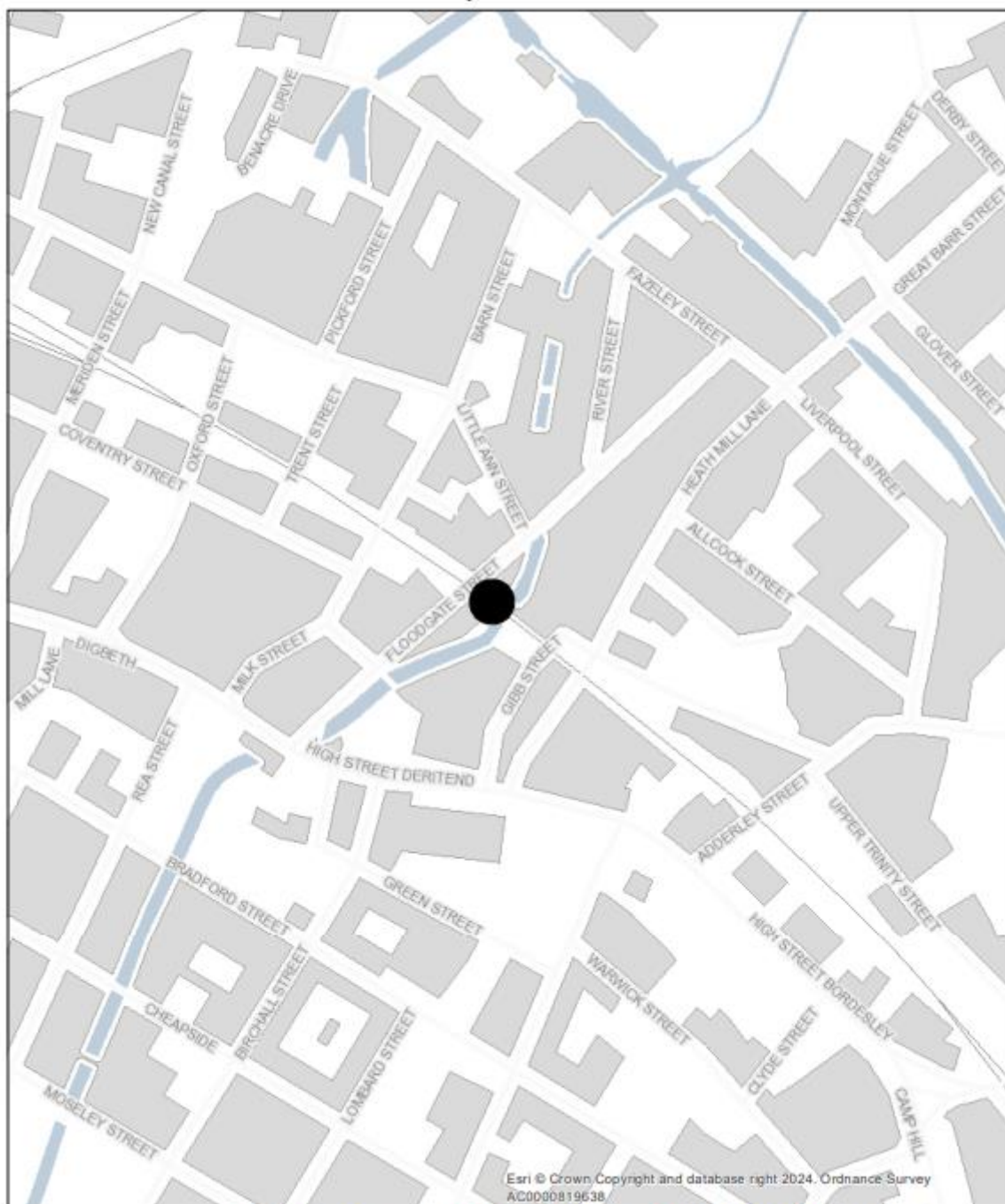
Protection of Children from Harm

Training & Proof of Age

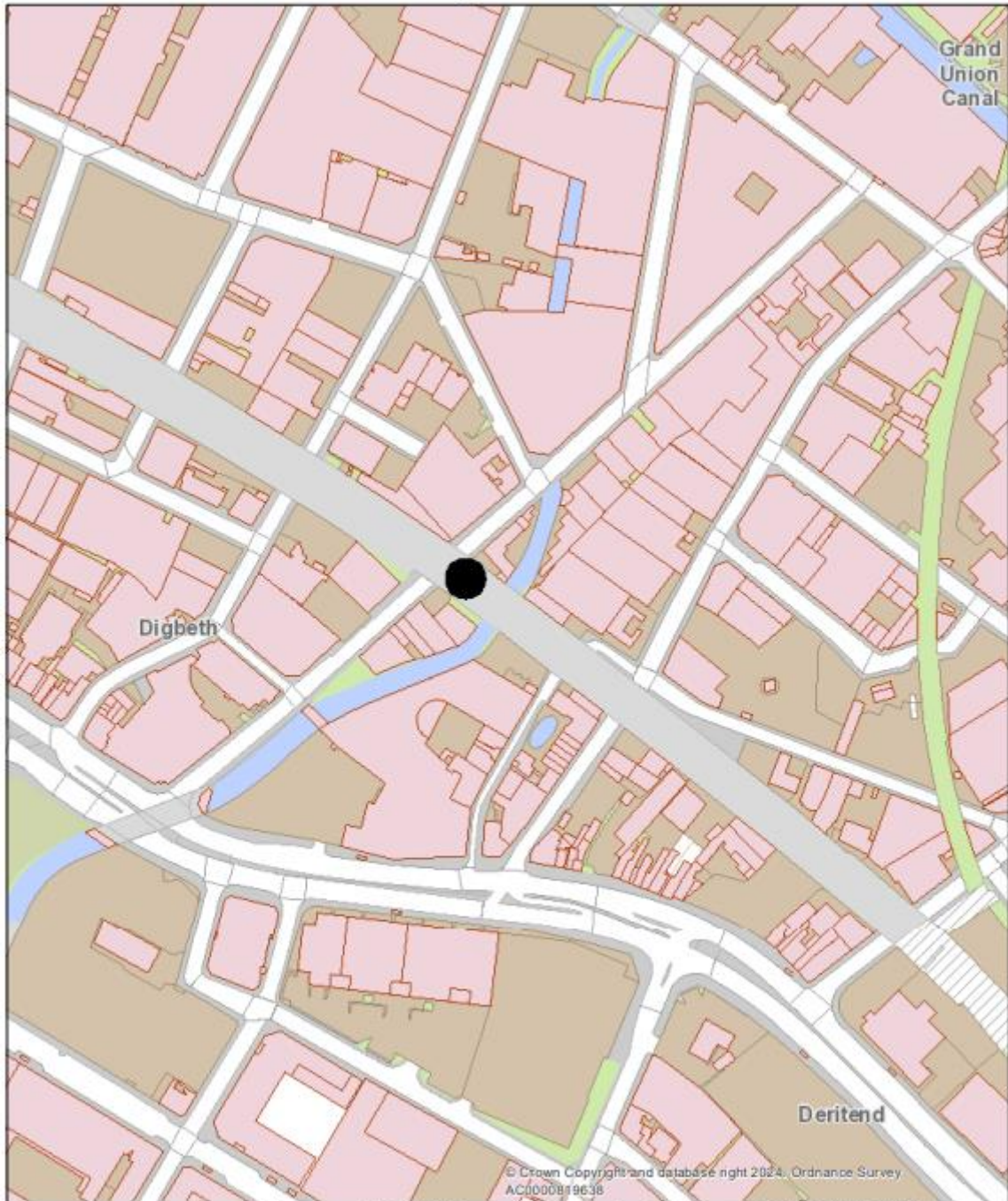
- 29.** All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers and illegal substance awareness. All training should be documented and available upon request from a relevant authority.
- 30.** An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as “Challenge 25” whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. A log of refusals shall be maintained on the premises alongside training records.

General

- 31.** A Personal Licence Holder or a nominated deputy shall be available at the premises at all times during the hours when the premises are open to the public.
- 32.** Adequate first aid facilities shall be provided within the premises
- 33.** All drinks shall be served in plastic/paper/toughened glass or polycarbonate containers. The use of glass products will only be permitted following a risk assessment for any events at the premises.
- 34.** The collection of glasses and bottles shall be undertaken at regular intervals to ensure there is no build-up of empties in and around the premises.
- 35.** All major music or cultural events (and any live Boxing events) shall be subject to an Event Management Plan that will detail the nature, times and occupancy of the event, the overall safety management of the event and any event specific layout. The EMP must be submitted to the Licensing Authority and responsible authorities 28 days prior to any event and the final version be agreed with them before the event.



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