

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 10th May 2017
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Quantum Exhibition Centre, Ground Floor, Refreshment Lounge, Unit 2, 30 – 34 River Street, Digbeth, Birmingham, B5 5SA
Ward affected:	Nechells
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 11:00am until 12:00midnight (Monday to Wednesday), 11:00am until 01:00am (Thursday and Sunday), and 11:00am until 03:00am (Friday and Saturday).

To permit the provision of Regulated Entertainment consisting of plays, films, indoor sporting events, boxing or wrestling entertainment, live music, recorded music, performances of dance and anything of a similar description, to operate indoors only, from 11:00am until 12:00midnight (Monday to Wednesday), 11:00am until 01:00am (Thursday and Sunday), and 11:00am until 03:00am (Friday and Saturday).

To permit the provision of Late Night Refreshment to operate from 11:00pm until 12:00midnight (Monday to Wednesday), 11:00pm until 01:00am (Thursday and Sunday), and 11:00pm until 03:00am (Friday and Saturday).

Premises to remain open to the public from 08:00am until 01:00am (Monday to Wednesday), 08:00am until 01:30am (Thursday and Sunday), and 11:00am until 03:30am (Friday and Saturday).

Other dates and times as specified in the application form.

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 15th March 2017 in respect of the Quantum Exhibition Centre, Ground Floor, Refreshment Lounge, Unit 2, 30 – 34 River Street, Digbeth, Birmingham, B5 5SA.

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>Quantum Gateway Ltd applied on 15th March 2017 for the grant of a Premises Licence for the Quantum Exhibition Centre, Ground Floor, Refreshment Lounge, Unit 2, 30 – 34 River Street, Digbeth, Birmingham, B5 5SA.</p> <p>A representation has been received from other person, which is attached at Appendix 1.</p> <p>The application is attached at Appendix 2.</p> <p>Site Location Plans at Appendix 3.</p> <p>It should be noted that there is a special policy in force for the Digbeth area. The effect of a special policy is to create a rebuttable presumption that applications for new licences or material variations to existing licences will normally be refused unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives being experienced.</p> <p>The Council will expect the applicant to demonstrate the steps it will take to promote the licensing objectives. Where relevant representations are made, the Council will consider the application on its individual merits and decide whether to apply the special policy.</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>Site Location Plans, Appendix 3</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>

EVERSHEDS
SUTHERLAND

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(International) LLP
Eversheds House
70 Great Bridgewater Street
Manchester M1 5ES
United Kingdom

Licensing Section
Birmingham City Council
Crystal Court
Aston Cross Business Village
50 Rocky Lane
Aston
Birmingham B6 5RQ

Date: 12 April 2017
Your ref:
Our ref: ROBERDA\131578-000002

Sent by email: licensing@birmingham.gov.uk

Dear Sirs

Licensing Act 2003
Premises Licence Application by Quantum Gateway Limited
Premises: 30 -34 River Street, Digbeth, Birmingham B5 5SA
Reference: 101041

We act for Raltorten Limited t/a The Bond Company and write in response to the application which has been made by Quantum Gateway Limited for a Premises Licence in respect of 30-34 River Street, Digbeth, B5 5SA.

Our client operates two sites in the immediate neighbourhood at 180-182 Fazeley Street and Floodgate Street providing commercial accommodation 24/7 for businesses and four private residential units, three of which are currently occupied. Our client also provides hospitality facilities from its premises at 180-182 Fazeley Street on a number of occasions during the year.

Our client has instructed us to write to the Licensing Authority setting out its representations to the above application which it makes both in its own interests and those of both its commercial and residential tenants.

Basis of Objection

The Licensing Authority will be aware that this is now the **fourth** application which has been made in respect of these premises in less than two years, the Licensing Committee having refused the three previous applications at committee hearings. The Bond Company made representations in respect of the three previous applications and remains gravely concerned about proposals to license these premises. Our client does not believe any circumstances have changed materially since the previous applications which would now justify the grant of the application.

The Police are aware, having objected to previous applications, that shortly after the refusal of the second Premises Licence application our client's premises were vandalised with graffiti sprayed on the street walls on several occasions and six windows smashed with bricks being. One tenant nearly suffered serious injury.

Further, a campaign was then undertaken against two of our client's tenants who then lived on Fazeley Street (who had made personal representations in respect of the second Quantum application). This involved posters being distributed around Digbeth, falsely stated to be from a local Residents Association identifying the two gentlemen by name and photograph and alleging them to be "paedophiles". The posters were displayed publicly in the vicinity of their homes and were also mailed directly to Commercial Tenants of The Bond

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Company. These matters in particular were investigated by the police who raised concerns at the last (third) application hearing.

Our client remains worried that should the licensing committee grant this premises licence in respect of the premises at the fourth time of asking, the provision of licensable activities under its authority will have a detrimental impact on the local area, to The Bond Company as a business and to its commercial and residential tenants.

Further our client does not consider that to grant a licence that would enable these premises to be operated late into the night on a daily basis would be appropriate. The objectives set out in the Licensing Act 2003 will not be upheld and the building and its location are totally inappropriate for providing regulated entertainment and the sale of alcohol. The premises will, our client believes, essentially be used as a Night Club and a venue for third party-promoted events where control is further removed from the licence holders.

In October 2015 under two separate TENs granted in respect of the applicant's current premises entertainment continued until 4am and excessive noise was a real issue for our client's tenants. On 24/25th October 2015 the noise was so intense in the Fazeley Street flats that floors, walls and ceilings were vibrating, causing disturbance and lack of sleep to the tenants. A subsequent event at the premises on 31st October 2015 resulting in the residents being subjected to similar levels of noise and disturbance and led to them submitting two complaints and two requests for call outs to the City's Environmental Health Department.

As was demonstrated by the operation of the premises during previous Temporary Events in October 2015, sound generated inside the premises will cause considerable noise, vibration and disturbance throughout the night to those both living and working in the area. It is believed from information provided at previous hearings and in disclosed sound assessment surveys that the building is insufficiently insulated for noise and no works appear to have yet been undertaken to provide any additional installation to the building since the last application. It is well recognised that excessive noise from commercial premises, particularly in a mixed residential area, may amount to a statutory nuisance.

It seems to us that whilst the applicant has modified its application it is in reality a further attempt to mislead the Licensing Authority as to how it will operate the venue. On this occasion the applicant is proposing only to apply for a licence permitting the provision of licensable activities in the smaller lounge area (unit 2 shown on the application plan), however there is no indication as to how numbers of persons will be controlled throughout the rest of the building when licensable activities are provided. Nothing will prevent customers purchasing alcohol in the unit 2 area and then taking it elsewhere in the building for consumption. Following the previous three applications, in the applicant's apparent determination to obtain a licence there is still a distinct lack of granularity as to how activities will be provided and the premises operated.

The arrangements for dispersal of customers leaving the premises throughout the night continues to cause our client concern that substantial noise and disturbance will be caused, not just at closing time but throughout the late hours of operation. It will inevitably lead to an increase in anti-social behaviour in the area. The sale of alcohol until the early hours will clearly exacerbate these issues.

Excessive noise will also be generated by the congregation of persons throughout the night. In previous applications an external smoking area was proposed to the rear of the premises. If this is not to the rear of the property, no doubt people will congregate on River Street to smoke on the street before returning inside. If this is located in the car park on Fazeley Street or outside the rear fire exit noise and disturbance will be caused to the neighbouring premises.

The picking up and dropping off by taxis and other vehicles will cause additional disturbance throughout the night, not just outside the premises but throughout the local area.

Planning Consent and Physical Suitability

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Our client continues to have concerns regarding the physical suitability of these premises. As a former factory building/warehouse there has not been specific investment in the property to prepare it for use as a late night alcohol-led venue. We understand that the premises may not yet have planning consent for the proposed use.

Fire Safety

Separate to the containment of noise, the building does not have a suitable route for a rear fire escape and since previous applications this does not appear to have been addressed. The fire exit proposed at previous hearings opens out into a small enclosed area to the rear of the building which actually forms part of the demise of a neighbouring operational factory. This cannot realistically be expected to provide safe evacuations for a large number of customers on the premises at any one time. Not only has it been indicated at previous hearings that the escape route would open out into a neighbouring car park, which it does not, but also that this rear external area would also act as a smoking area for the property also causing obstruction to the fire escape in an emergency. The proposed escape route in fact terminates in a heavily fenced dead end beside the neighbouring factory about 1.3 meters below the car park level.

Conditions

It is noted in the application that various conditions have been proposed but they are too vague and ambiguous to provide any comfort to our client.

Regardless of any measures that the applicant may propose, the impact on the local area, The Bond Company and its tenants who are entitled to live and work in a peaceful environment will be significant. Our client requests the Licensing Authority to consider its representations with due care and to reject this application.

If you have any queries in respect of this matter then please do not hesitate to contact David Roberts of these offices.

Yours faithfully

Eversheds Sutherland (International) LLP

Appendix 2

15/3/17 - 17/4/17
101041



Birmingham Application for a premises licence Licensing Act 2003

For help contact
licensingonline@birmingham.gov.uk
Telephone: 0121 303 9896

* required information

Section 1 of 19

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

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

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

Applicant Details

* First name

Olivia

* Family name

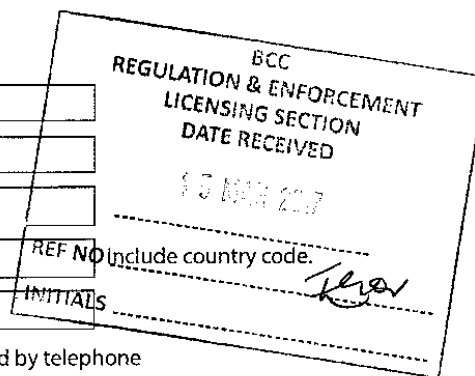
Rhoden

* E-mail

Main telephone number

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone



Is the applicant:

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

☐ Applying as an individual

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

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes

☐ No

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

Registration number

09733228

Business name

Quantum Gateway Ltd

If the applicant's business is registered, use its registered name.

VAT number

- none

Put "none" if the applicant is not registered for VAT.

Legal status

Charity or Association

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- ☐ An agent that is a business or organisation, including a sole trader
- ☒ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	Quantum Exhibition Centre
Street	30-34 River Street
District	Digbeth
City or town	Birmingham
County or administrative area	West Midlands
Postcode	B5 5SA
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	13,000

Section 3 of 19	
APPLICATION DETAILS	
In what capacity are you applying for the premises licence?	
<input type="checkbox"/> An individual or individuals <input checked="" type="checkbox"/> A limited company <input type="checkbox"/> A partnership <input type="checkbox"/> An unincorporated association <input type="checkbox"/> A recognised club <input type="checkbox"/> A charity <input type="checkbox"/> The proprietor of an educational establishment <input type="checkbox"/> A health service body <input type="checkbox"/> A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales <input type="checkbox"/> A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England <input type="checkbox"/> The chief officer of police of a police force in England and Wales <input type="checkbox"/> Other (for example a statutory corporation)	
Confirm The Following	
<input checked="" type="checkbox"/> I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities <input type="checkbox"/> I am making the application pursuant to a statutory function <input type="checkbox"/> I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative	
Section 4 of 19	
NON INDIVIDUAL APPLICANTS	
Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.	
Non Individual Applicant's Name	
Name	<input type="text" value="Quantum Gateway Ltd"/>
Details	
Registered number (where applicable)	<input type="text" value="09733228"/>
Description of applicant (for example partnership, company, unincorporated association etc)	

Continued from previous page...

Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

A 4 room exhibition center with a large exhibition hall, lounge, dance studio and rehearsal space. We are looking to license the front lounge room (Unit 2) for On Sale Alcohol purchases.

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

Continued from previous page...

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of a play take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations for performing plays

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

--

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Licensed until 5am on Bank Holidays, Christmas Eve and New Years Eve

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

SATURDAY

Start 11:00

End 03:00

Start

End

SUNDAY

Start 11:00

End 01:00

Start

End

Will the exhibition of films take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the exhibition of film

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

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Licensed untill 5am on Bank Holidays, Christmas Eve and New Years Eve

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 11:00

End 00:00

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

TUESDAY

Start 11:00

End 00:00

Start

End

WEDNESDAY

Start 11:00

End 00:00

Start

End

THURSDAY

Start 11:00

End 01:00

Start

End

FRIDAY

Start 11:00

End 03:00

Start

End

SATURDAY

Start 11:00

End 03:00

Start

End

SUNDAY

Start 11:00

End 01:00

Start

End

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for indoor sporting events

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

Non-standard timings. Where the premises will be used for indoor sporting events at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Licensed untill 5am on Bank Holidays, Christmas Eve and New Years Eve

Continued from previous page...

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the boxing or wrestling entertainment take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations for boxing and wrestling entertainment

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

Non-standard timings. Where the premises will be used for the boxing or wrestling entertainment at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Licensed untill 5am on Bank Holidays, Christmas Eve and New Years Eve

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 11:00

End 00:00

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start 11:00

End 00:00

Start

End

WEDNESDAY

Start 11:00

End 00:00

Start

End

THURSDAY

Start 11:00

End 01:00

Start

End

FRIDAY

Start 11:00

End 03:00

Start

End

Continued from previous page...

SATURDAY

Start 11:00

End 03:00

Start

End

SUNDAY

Start 11:00

End 01:00

Start

End

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

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

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

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Licensed untill 5am on Bank Holidays, Christmas Eve and New Years Eve

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 11:00

End 00:00

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

TUESDAY

Start 11:00

End 00:00

Start

End

WEDNESDAY

Start 11:00

End 00:00

Start

End

THURSDAY

Start 11:00

End 01:00

Start

End

FRIDAY

Start 11:00

End 03:00

Start

End

SATURDAY

Start 11:00

End 03:00

Start

End

SUNDAY

Start 11:00

End 01:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music

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

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

Continued from previous page...

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Licensed until 5am on Bank Holidays, Christmas Eve and New Years Eve

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 11:00

End 00:00

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start 11:00

End 00:00

Start

End

WEDNESDAY

Start 11:00

End 00:00

Start

End

THURSDAY

Start 11:00

End 01:00

Start

End

FRIDAY

Start 11:00

End 03:00

Start

End

SATURDAY

Start 11:00

End 03:00

Start

End

SUNDAY

Start 11:00

End 01:00

Start

End

Will the performance of dance take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

Continued from previous page...

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

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State any seasonal variations for the performance of dance

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

--

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Licensed untill 5am on Bank Holidays, Christmas Eve and New Years Eve

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

Will you be providing anything similar to live music, recorded music or performances of dance?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

THURSDAY

Start 11:00

End 01:00

Start

End

FRIDAY

Start 11:00

End 03:00

Start

End

SATURDAY

Start 11:00

End 03:00

Start

End

SUNDAY

Start 11:00

End 01:00

Start

End

Give a description of the type of entertainment that will be provided

Live Broadcast Radio Station - Silk City Radio

Will this entertainment take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for entertainment

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

Non-standard timings. Where the premises will be used for entertainment at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Licensed untill 5am on Bank Holidays, Christmas Eve and New Years Eve

Continued from previous page...

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

Provision of Tea and Coffee for Sale

State any seasonal variations

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

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Licensed until 5am on Bank Holidays, Christmas Eve and New Years Eve

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 11:00

End 00:00

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start 11:00

End 00:00

Start

End

WEDNESDAY

Start 11:00

End 00:00

Start

End

THURSDAY

Start 11:00

End 01:00

Start

End

Continued from previous page...

FRIDAY

Start 11:00

End 03:00

Start

End

SATURDAY

Start 11:00

End 03:00

Start

End

SUNDAY

Start 11:00

End 01:00

Start

End

Will the sale of alcohol be for consumption:

- ☒ On the premises ☐ Off the premises ☐ Both

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

State any seasonal variations

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

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Licensed until 5am on Bank Holidays, Christmas Eve and New Years Eve

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

Name

First name

Thomas

Family name

Jenkins

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start
Start

End
End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="03:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="03:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Licensed untill 5am on Bank Holidays, Christmas Eve and New Years Eve

Section 18 of 19

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

The premises license holder shall ensure there will be no encouragement of excessive drinking or irresponsible sale of cheap promotional drinks, and the number of Personal License holders on the premises when operational shall be at least two or such other number as is agreed from time to time with West Midlands Police.

The premises license holder shall ensure that the operator will call a Safety Advisory Group meeting if appropriate to this venue and the operations.

Both the DPS and/or a senior manager and the promoter if any, will be in attendance at the SAG meeting.

The power of veto is given for any event the SAG is not able to set conditions or operations which satisfies the licensing objectives. Any conditions set during the SAG meeting shall become licensing conditions for that event and must be kept in writing on the premises during the event. These are made available for inspection by all statutory bodies.

b) The prevention of crime and disorder

All training records for all staff, in regard to drunkenness, challenge 25 and drugs will be kept by the venue and available for display

The Premises License Holder shall ensure a full month of events is supplied in writing to Licensing Department at Lloyd House Police Station, a month in advance or such other period as may be agreed with West Midlands Police.

If the Premises License holder wishes to operate past 01:00 hrs, the premises must inform the Licensing Department at Lloyd House Police Station, in writing, a minimum of 28 days or lesser period in advance. West Midlands Police have a power of veto, if it's believed that any of the four Licensing objectives may be breached.

If the Premises License holder wishes to conduct any Licensable activity on the premises before 12:30 hrs, the premises must inform Licensing Department at Birmingham Central Police Station 28 days or lesser period in advance and West Midlands Police have a power of veto over any such event.

When the venue operates in conjunction with other premises, licensed or unlicensed, the premises must provide a minimum of 28 days or lesser period notice and if deemed necessary by West Midlands Police the event must be subject of the SAG process. Conditions arising from the SAG process to become conditions for that event.

The Premises License Holder shall ensure that a CCTV system is to be installed at the premises to the specification agreed with the Licensing Department at Lloyd House Police Station. CCTV is to be operational whilst the premises are open and be recording continually. If a hard drive system is used the recordings are to be kept for minimum of 31 days. The CCTV images to be made available to any responsible authority immediately on request. Entrance and queuing area to be covered by CCTV.

The Premises License Holder will supply a risk assessment for all post 01.00 events held at the premises, including standard in house events, to include all security provisions. 28 days' or lesser period notice is required, unless otherwise agreed with West Midlands Police, Licensing Department at Lloyd House Police Station. Included in risk assessment is a search policy which will reflect the event risk and Security deployment plan.

The Premises License Holder shall ensure that continuous discussions between West Midlands Police Force, the appointed security/stewarding company and the event organizers will take place prior to and during the period that the Event is taking place to ensure that all means possible are employed to prevent crime and disorder. Operational plans will be drawn up between the Event organizers and the West Midlands Police Force taking into account the experience of previous events in this location.

The Premises License Holder will ensure that individuals who are drunk, disorderly or both will not be permitted access to the premises.

If the premises use any new promoter for any event, then for the first event the Designated Premises Supervisor for the premises will arrange to meet Lloyd House Police Station Licensing Department at least 28 days before the first event, with risk assessments for the event. The premises will not hold any new events without the agreement of Lloyd House Licensing

Continued from previous page...

Department. Recommendations made to the Designated Premises Supervisor that satisfy the four licensing objectives will become conditions for that event on the premises license.

The Premises License holder is to maintain door staff profiles for all door staff working at the premises, and for any door staff that have worked on the premises in the last three months. The door staff profile will consist of identification for the member of staff. A copy of his/her SIA badge, Passport or driving License. If the proof of identification is anything other than the photo driving Licence, then the member of staff will need proof of address, which must be a copy of a utility bill and be dated within the last six months. The Premises License Holder shall ensure that Door supervisors stationed outside the front of the premises will wear hi-visibility jackets/coats, and will have their SIA badge held in a clear arm sleeve. Door supervisors inside the premises will wear hi-visibility waist coats, again with their SIA badge held in a clear arm sleeve.

The Premises License Holder shall ensure to operate an incident book and record all incidents that occur inside and immediately outside premises. Incident book can be inspected at any time by any regulatory body. All training records for all staff, in regard to drunkenness, and for the protection from harm for children to be maintained and to be available upon request from any regulatory body.

The Premises License shall ensure that the premises will operate a drugs policy, and lost / found property policy. Copies of both to be supplied to Licensing Department Lloyd House Police Station. Venue to ensure the entrance area together with queuing area is sufficiently lit.

SIA security personal and Duty Management will have ear piece enabled 2 way radios to communicate and respond too any potential incidents.

c) Public safety

All management staff, bar managers, first aiders and duty managers will have their own 2 way radio devices.

The Premises License Holder shall ensure that the maximum number of persons on the premises at any one time shall not exceed the number agreed with West Midlands Fire Service and West Midlands Police and fixed at any individual SAG meeting for each event and such capacity will not be exceeded.

First aid training for a member of staff. Health and Safety risk assessment carried out regularly. Electrics, gas fire and relevant equipment, checked and maintained in working order and tested annually. Fire risk assessment carried out weekly. Adoption of best practices, e.g. National Alcohol Harm Reduction Strategy

The designated smoking area will be well lit, and covered by CCTV with SIA security personnel present to minimize any noise and supervise that all customers comply with the Zero Tolerance Drugs Policy.

A professionally prepared fire risk assessment will be produced which will propose maximum numbers which will thereafter be agreed with West Midlands Fire Service and West Midlands Police and become the maximum number for the premises and such capacity will not be exceeded, provided always that such number may be varied upwards or downwards by agreement with West Midlands Fire Service and West Midlands Police.

Any areas not included in the licensable area will be properly fenced off and delineated whenever licensable activities are being provided to the satisfaction of Environmental Health.

SIA Security staff will monitor the numbers of people in each room; to ensure health and safety and fire regulations are met.

d) The prevention of public nuisance

The Premises License holder will ensure that external windows and doors (other than for access/egress) shall be kept closed whenever licensed public entertainment is provided at the premises.

The Premises License Holder will comply with any reasonable requirements as to noise made during the event by the appropriate Responsible Authority and shall ensure the conduct of patrons leaving premises will be supervised and

Continued from previous page...

monitored to minimize potential nuisance. Similarly, conduct of the general public in the vicinity will be monitored and the Police advised of inappropriate behavior/unlawful activity.

The License Holder shall not permit noise emanating from the licensed premises to unreasonably disturb persons in the neighborhood and in any case, will ensure that the noise levels from licensed public entertainments shall not exceed levels set at neighboring occupied residential properties that will be agreed with Responsible Authorities. The level of amplified sound shall be controlled by a sound limiting device, set as agreed, if considered appropriate by the Responsible Authorities.

Whenever regulated entertainment takes place within the licensed premises, such entertainment will not be such as to be a statutory nuisance in the nearest noise sensitive or residential premises.

The Premises License holder shall ensure noise propagation tests will be undertaken, during which the sound systems will be configured and operated in a similar manner as intended for the relevant Event. The sound sources used for the test shall be similar in character to the music likely to be produced during the relevant Event. Appropriate control limits at each sound mixer position and adjustments to sound amplification equipment will be agreed as a result of the testing to the satisfaction of the appropriate Responsible Authority.

A Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the amplification system and set at a pre-set volume level agreed with the Environmental Protection Unit, to ensure the pre-set volume does not cause a noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Unit at least 14 days before its' initial operation and shall fulfil the following criteria:

- a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position unless prior approval is given.
- b) The device shall either:
 - i) be capable of cutting off the mains power to the amplification system if the volume exceeds the pre-set level determined by the Environmental Protection Unit and shall not restore power to the sound system until the NLD is reset by the licensee or their nominated person, or,
 - ii) be capable of maintaining the volume of the music at the pre-set level.
- c) The amplification system shall only be operated through the sockets/power points linked to and controlled by the NLD.
- d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification system is operational.
- e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.

Acoustic sound curtains will be added to all windows and all doors will have door stoppers and closers to appease noise leakage.

Senior Management will liaise with all residents in the local area supplying them with the phone numbers of the DPS in charge of that late night entertainment and provide a list of events 28 days in advance to enable residents to provide feedback.

Exit on late night events will be supervised and continually monitored for improvement. At all times at least 2 SIA marshals and 1 DPS will supervise customers exiting and to make sure they are aware of the need to be respectful to local residents whilst leaving. A Marshall will also be employed to Marshall all taxi flow to reduce noise impact and standing traffic.

e) The protection of children from harm

The Premises License holder shall adopt the Challenge 25 Scheme at all times requesting appropriate ID and appropriate signage will be placed at the entrance to the premises and adjacent to any bar server. The premises will operate a policy whereby any person attempting to buy alcohol or any person attempting to gain entry to the premises who appears to be under 25 will be asked for photographic ID to prove their age. The only ID that will be accepted is a passport, driving license

Continued from previous page...

with a photograph or an accredited proof of age card bearing the PASS mark hologram.

The Premises Licence holder will ensure that when an event of an adult nature is to be held on the premises that the Licensing Enforcement Officer at the BSCB be notified of the event at least two weeks prior to the event.

The Premises Licence holder will ensure that the venue operates a strict close down policy, if a late night event is going to take place. The venue will be closed down for at least 1 hour, and all areas searched, before reopening and operating the challenge 25 scheme.

All senior staff/ duty managers will have copies of their Safeguarding training available on display on site, and a safeguarding policy will be available on site for all members of staff.

Section 19 of 19

PAYMENT DETAILS

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

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

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

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

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

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

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

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

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to 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.

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

Continued from previous page...

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

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

Full name
Capacity
* Date / /
dd mm yyyy

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

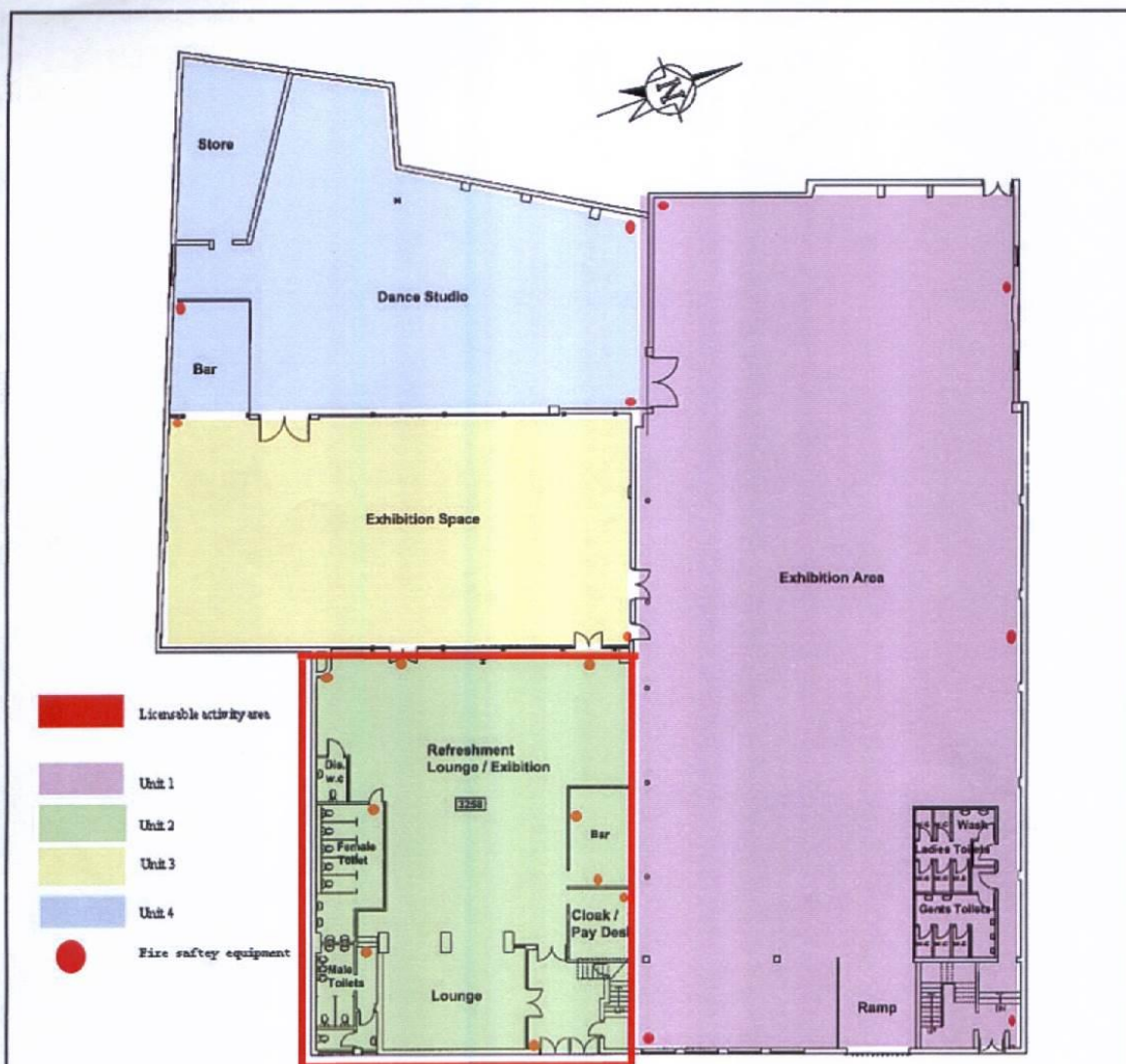
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, 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

OFFICE USE ONLY

Applicant reference number
Fee paid
Payment provider reference
ELMS Payment Reference
Payment status
Payment authorisation code
Payment authorisation date
Date and time submitted
Approval deadline
Error message
Is Digitally signed ☐

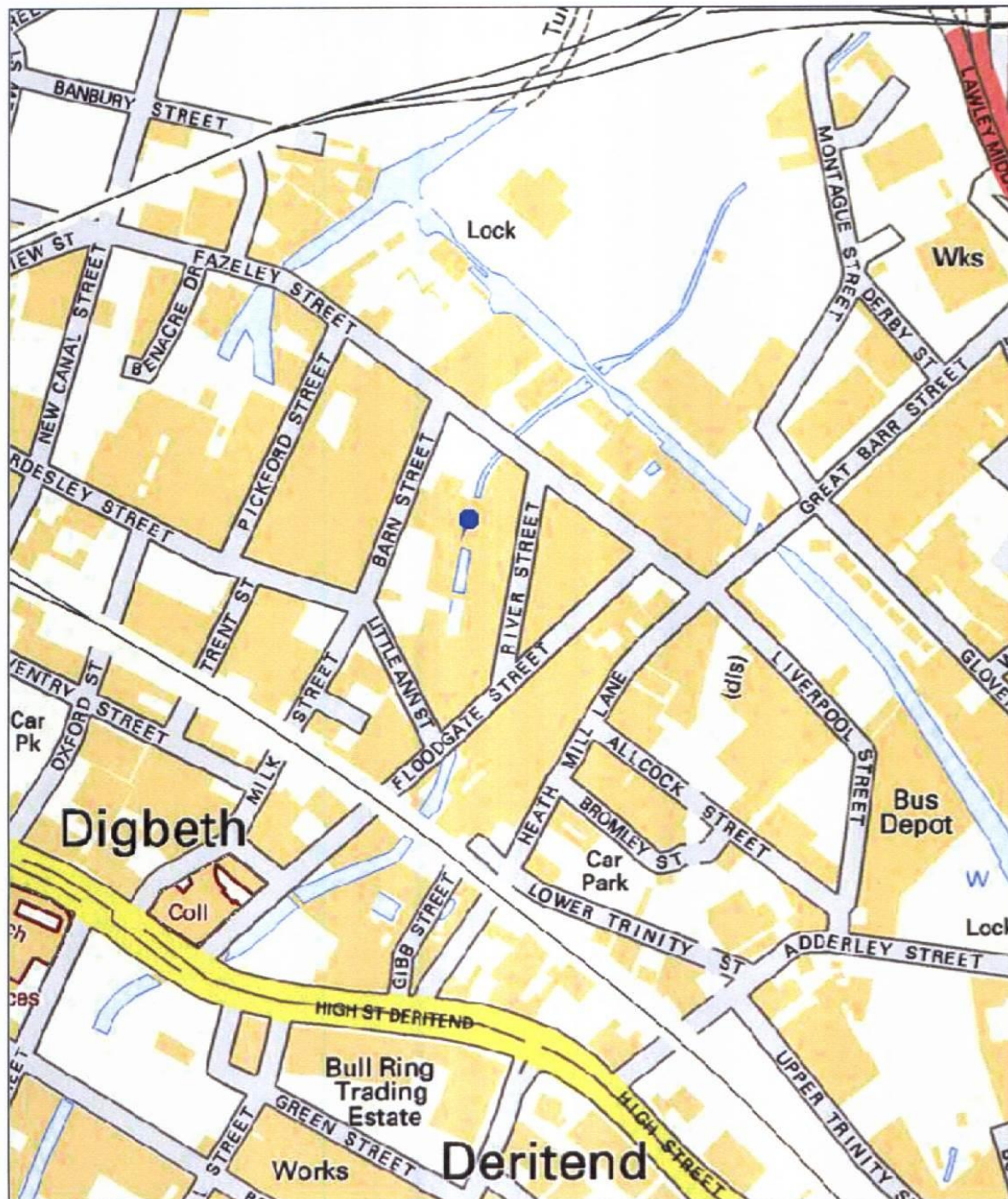


PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

Appendix 3



Birmingham City Council Map Created By:

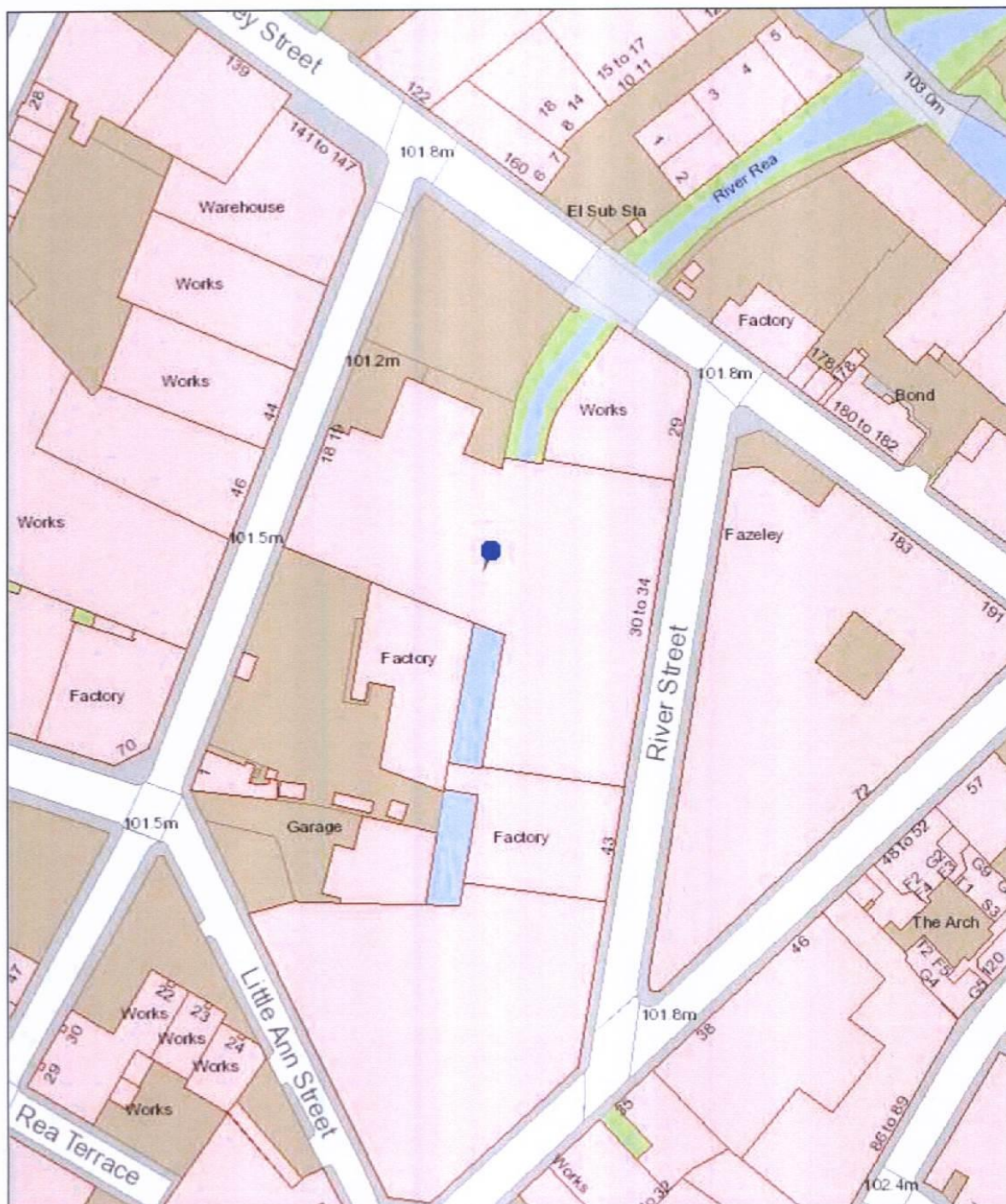
Notes

Date of Map Creation: 24/04/2017



Scale:
1:4,000

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Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 24/04/2017



Scale:
1:1,250

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