

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 21 JANUARY 2019 AT 09:30 HOURS
IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

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

A G E N D A

1 NOTICE OF RECORDING

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

2 DECLARATIONS OF INTERESTS

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

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 - 64

4 LICENSING ACT 2003 PREMISES LICENCE (GRANT) - THE SIN OF GIN LIMITED, 18 ELMDON ROAD, SELLY PARK, BIRMINGHAM, B29 7LF

Report of the Acting Director of Regulation & Enforcement.
N.B. Application scheduled to be heard at 09:30am.

65 - 128

5 LICENSING ACT 2003 PREMISES LICENCE (GRANT) - THE RIVER, 30-34 RIVER STREET, DIGBETH, BIRMINGHAM, B5 5SA

Report of the Acting Director of Regulation & Enforcement.
N.B. Application scheduled to be heard at 11:00am.

6 OTHER URGENT BUSINESS

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

129 - 150

6a **ZARA'S BAR, 80 BROAD STREET, BIRMINGHAM, B15 1AU -
LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME
REDUCTION ACT 2006 - CONSIDERATION OF REPRESENTATIONS IN
RESPECT OF THE INTERIM STEPS IMPOSED ON 18 JANUARY 2019**

Documents relating to representations against interim steps attached.

N.B Application scheduled to be heard at 1330 hours.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Monday 21st January 2019
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	The Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham, B29 7LF
Ward affected:	Bournbrook & Selly Park
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption off the premises) to operate from 8:00am until 8:00pm (Monday to Sunday).

Due to the nature of the application the premises will not be open to members of the public.

2. Recommendation:

To consider the representations that have been made and to determine the application.

3. Brief Summary of Report:

An application for a Premises Licence was received on 22nd November 2018, in respect of The Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham, B29 7LF.

Representations have been received from two responsible authorities and from other persons.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

The Sin of Gin Limited applied on 22nd November 2018 for the grant of a Premises Licence for The Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham, B29 7LF.

Representations have been received from West Midlands Police and Birmingham City Council Licensing Enforcement as responsible authorities, see Appendices 1 - 2.

Representations have been received from other persons, which are attached at Appendices 3 – 26.

The application is attached at Appendix 27.

Site Location Plans at Appendix 28.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-

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

6. List of background documents:

Copies of the representations as detailed in Appendices 1 – 26
Application Form, Appendix 27
Site Location Plans, Appendix 28

7. Options available

To Grant the licence in accordance with the application.

To Reject the application.

To Grant the licence subject to conditions modified to such an extent as considered appropriate.

Exclude from the licence any of the licensable activities to which the application relates.

Refuse to specify a person in the licence as the premises supervisor.

From: bw licensing
Sent: 21 December 2018 12:11
To: Licensing Online;
Cc:
Subject: RE: GRANT - THE SIN OF GIN, 18 ELMDON ROAD, SELLY PARK, BIRMINGHAM, B29 7LF

Licensing,

Having seen the objection from WMFS, they raise a point that the application lacks information around some key fire safety issues. This leads me to believe that the public safety objective may be undermined by this application.

I also have concerns around the method of delivery, which is not sufficiently explained in the application. This concerns me around protecting children from harm, as there is no detailed plan to explain how the delivery will be made, ensuring children could not purchase alcohol.

Whilst I accept that this is a specialist product, the licence conditions need to be sufficient to ensure that the licensing objectives are promoted.

WMP therefore object to the grant of this premises licence in its current format.

Thank you

Ben

Police Constable 2413 Ben Reader
Licensing Department
Birmingham West Local Policing Unit
Police Headquarters,
Lloyd House,
Birmingham,
B4 6NQ

Preventing crime, protecting the public and helping those in need

From: Sarah Lavender
Sent: 21 December 2018 11:52
To: Licensing
Cc:
Subject: FW: Sin of Gin [ID=G.THE.75-1]

Good morning,

I have been advised that the applicant for the Sin of Gin intends to use a courier service (UPS) I have requested additional information with regards to how the age verification policy will be administered by delivery drivers as well as at the point of ordering to satisfy the protection of children from harm objective.

The information has not been able to be provided to me by the end of the rep period (today) therefore Licensing Enforcement wish to object to the application on the grounds we cannot be satisfied without further information that the licensing objectives will be met.

Kind regards

Sarah Lavender
Licensing Enforcement Officer

**Regulation and Enforcement
Licensing Section**

From: [REDACTED]
Sent: 06 December 2018 13:48
To: [REDACTED]
Subject: Alcohol Licensing at 18 Elmdon Road - App 108932

Dear [REDACTED]

The Selly Park Property Association (SPPOA) wishes to object on grounds of 'prevention of public nuisance' to the application for a licence to sell alcohol, seven days a week between 8am and 8pm at 18 Elmdon Road, Selly Park, Birmingham B29 7LF. We learned of this application from a Birmingham City Council street notice outside the address.

Selly Oak is a restricted area for the sale of alcohol, and SPPOA considers it inappropriate that a licence should be granted in this case. We understand that the applicants were previously trading in the same business from a house elsewhere in this area.

SPPOA represents residents of Selly Park, and endeavours to protect and preserve the character of this family residential area and to ensure that its Conservation Area Status requirements are respected.

From the Committee of the Selly Park Property Owners' Association

Yours Sincerely

From:
Sent: 07 December 2018 11:08
To:
Subject: Re: The Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham B29 7LF -
Application number 108932

Hi

I wish to formally object to the, application for a licence to sell alcohol by The Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham B29 7LF -
Application number 108932

This is a residential house on the estate, and use of the premises to sell alcohol would be in breach of the covenants.

My objections thus made on the basis of one or more of the following reasons:

- 1) The prevention of crime and disorder
- 2) Public Safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm
- 5) A residential house on the estate**
- 6) H&S if there's an explosion.**

Regards

From:
Sent: 07 December 2018 11:55
To:
Subject: The Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham B29 7LF -
Application number 108932

Dear Sir

We object to the grant of a liquor licence to the above applicant on the basis that the grant of the licence will:

- 1) potentially increase crime and disorder
- 2) cause a concern to public safety;
- 3) potentially cause a public nuisance
- 4) potentially cause harm to children

Also the premises are a residential house.

oakfield Raod
Selly Park
B29 7EJ

From:
Sent: 07 December 2018 12:10
To:
Subject: Objection to Licence Application for The Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham B29 7LF

Dear Sir/Madam,

I am writing to register my objection to the application for a premises licence by the Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham B29 7LF.

18 Elmdon Road is a family home and in a part of Selly Park that is almost exclusively residential. There are no other businesses in the immediate proximity. The application states that business activity will take place seven days a week, from 8 am to 8 pm, with deliveries and collections taking place from the property. The potential for noise and other disturbance seems at odds with the licensing objective of the prevention of public nuisance.

With regards to public safety

- I am concerned about the potential for deliveries blocking a busy footpath, particularly on week days between 8-9am and mid-afternoon when many parents with small children and pushchairs are on their way to local schools, nurseries and playgroups.
- This is also a busy road at times, especially during the rush hour when cars can be backed up as far as the roundabout by St Stephens Church. Delivery vehicles parked for some time have the potential to cause further traffic problems. This is especially the case when the Bristol Road is blocked and buses are diverted
- I believe this road is also a designated route for ambulances going to and from the Queen Elizabeth Hospital and further potential for this route to be blocked by delivery vehicles is a cause for concern.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,

Upland Road,
Selly Park,
Birmingham
B29 7JS

From:
Sent: 07 December 2018 12:21
To:
Subject: Application number 108932 - objection

Dear

I understand that The Sin of Gin Limited has applied for a licence to sell alcohol from 18 Elmdon Road, Selly Park, Birmingham B29 7LF (Application number 108932). I would like to lodge an objection on the basis that there will be an increased risk of crime, disorder and public nuisance if the application is granted. There would also be an impact on public safety.

There are established areas for the sale of alcohol in Selly Oak and 18 Elmdon Road falls outside them. The house is in a residential area which will be policed less actively for public disturbance than other areas, yet it is still very close to a substantial catchment area for student housing: a number of these students will indulge in a heavy drinking culture with the public disorder and nuisance that goes along with this.

I understand that the house is subject to a restrictive covenant against the sale of alcohol. It is not for the Committee to enforce this covenant but you can note that the applicant is seeking to obtain a commercial advantage by establishing itself in an area subject to these covenants, away from competition *and* away from the public order safeguards present in other nearby zones. In granting the application, you would be setting a precedent which could then lead to a wider expansion of the Selly Oak 'drinking zone', putting extra strain on policing, and affecting public safety and wellbeing in other nearby areas which have already been set apart for the sale of alcohol to the public (among other planning uses).

With all the above in mind, I ask the Licensing Committee to deny this application.

Kind regards

Oakfield Road, Selly Park, Birmingham B29 7EG

From:
Sent: 07 December 2018 13:36
To:
Subject: APPLICATION NO. 108932 18 Elmdon Road, Selly Park, Birmingham B29 7LF

Dear

An application has been made by 18 Elmdon Road, Selly Park (application no. 108932) for a licence to sell alcohol from this address. This would be in breach of the restrictive covenant currently in place.

I live on Oakfield Road, Selly Park, which is a few hundred metres away from 18 Elmdon Road. I am alarmed at the application as this is a residential area, in which people live. It is not an area in which people operate businesses from their homes, particularly not relating to the sale of alcohol. I am very concerned that this will attract/encourage antisocial behaviour in Selly Park. Selly Park is a family-orientated area and lots of my neighbours have young children. It would be dangerous and risky for alcohol to be sold in the immediate vicinity from a home address. It is very likely to cause Public Nuisance. I cannot understand why the homeowners at 18 Elmdon Road think that this is an appropriate or safe thing to do. Surely they can find a more suitable venue for the sale of alcohol?

I am strongly opposed to such a licence being granted.

Kind regards,

Oakfield Road,
Selly Park,
Birmingham,
B29 7ED

From:
Sent: 07 December 2018 14:53
To:
Subject: 18 Elmdon Road Selly Park Birmingham B29

Dear Sirs

I understand an application has been made for a licence to sell alcohol from the above premises which is a private residence in a road with no commercial premises whatsoever

I live in close proximity to this property. It is in a wholly residential area and any business use is totally prohibited

A licence to sell alcohol would be detrimental to the residential area and be of great concern to the safety of children who live in the adjoining properties. It would also attract undesirable elements into the area and cause a lot of nuisance particularly in the evenings

There are already several shops selling alcohol in Raddlebarn Road which is a continuation of Elmdon Road and if the owner of this private residence wants to sell alcohol he or she should acquire commercial premises there

I strongly request that this application is refused

Yours faithfully

Selly Wick Road
Selly Park
Birmingham B29 7JB

From:
Sent: 07 December 2018 14:57
To:
Subject: The Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham B29 7LF -
Application number 108932

Dear

it has come to my attention that No. 18 Elmdon Road, Selly Park, B29 7LF has applied for an alcohol license.

I am deeply concerned that granting an alcohol license to a residential property would be detrimental for the area.

People buying and consuming alcohol in a residential property are going to need car parking, cause noise during the day and in the evening and might cause damage to neighbouring properties if alcohol was to be consumed inside the premise. I cannot imagine that an business selling alcohol makes for a good neighbour in an otherwise purely residential area.

There are plenty of other businesses selling alcohol on Raddlebarn Road. The last thing we need is yet another business selling alcohol in the area. Elmdon Road is residential and selling alcohol is in breach of the Selly Park covenant. This covenant was put in place to protect the area and the people living in it and should be respected. We can see very clearly what has happened in Selly Oak/Raddlebarn Road where such a covenant is not in observed and it has not made the area any nicer!

We are a young family with a small child and the last thing I would want for the area that we have moved into is to introduce alcohol selling businesses! Selly Park should stay residential and a safe space for small children. Businesses selling alcohol invariably attract a certain kind of clientel and there is a high chance of noise, drunken behaviour and inconsiderate parking. I would be much happier using the park with a small child without having a Gin shop directly opposite.

I am hoping you will consider these arguments and I feel very strongly that an alcohol license should not be granted to a residential property.

Many thanks,

From:
Sent: 07 December 2018 16:46
To:
Subject: Application for licence to sell alcohol.

At: 18 Elmdon Road, Selly Park, Birmingham. (The Sin of Gin).

Dear Sir,

I am writing to say I am very concerned about this application. I was amazed when I read the application on the outside the house.

The first objection is just that; this is just an ordinary house in a completely residential area. How can it be considered evenly remotely appropriate to have a gin producing and selling establishment in the middle of such an area.

The application states that the licence is for the sale of alcohol (gin) from the premises though not for consumption on the premises. Even so, is this wholesale or retail sales or both? And what about the manufacturing? Will there be noise, fumes, smells, effluent as a result of the processing? Will waste simply be discharged into the domestic sewerage system?

Surely this enterprise will involve a lot of to-ing and fro-ing and additional traffic on what is already a busy road and one which is regularly subject to traffic problems and long queues. This house has a in/out drive, but it is of a size suitable for one or two cars not for the amount of traffic that would arise from such a commercial venture. I consider that the extra traffic and parking would cause considerable nuisance to people in the vicinity and is also potentially a safety matter. There are three schools in the vicinity (nursery, primary and secondary) with children and parents/carers walking back and forth twice a day. The last thing they need is yet more traffic and parking on this busy road making it even more difficult to cross the road safely. Surely such a business should be located in a business/factory environment.

I would ask you to reject this application as it effectively turns a residential property into a factory and a shop in an otherwise totally residential street. I acknowledge that there are shops further along on Raddlebarn Road and that is indeed the main character of that road; it is a commercial street.

Elmdon Road is not.

Yours faithfully,

Selly Park Road,
Selly Park,
B29 7PH

From:
Sent: 07 December 2018 16:48
To:
Subject: Application for alcohol license- number 108932

Dear Sir or Madam.

I understand that an application for a licence to sell alcohol has been made by The Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham B29 7LF

This is a residential house on the Selly Park (Dolphin estate), and use of the premises to sell alcohol would be in breach of the estate covenants.

I would like to formally register my objection to this application as this premises will undoubtedly lead to an **increase in noise** in a quiet residential street and it increases the potential for **behaviour which will cause a public nuisance**.

Additionally there are now serious issues with car parking owing to negligent planning decisions where parking has not been designed into plans at the University and the Dental Hospital. The development of a licensed premises on this site would only serve to exacerbate this problem.

Oakfield Road
Selly Park
B29 7HL

From:
Sent: 08 December 2018 10:04
To:
Subject: 18 Elmdon Rd, Selly Park....The Sin of Gin Application number 108932

Good morning.

I am writing to object to the application for a licence for the opening of a Gin Distillery in Selly Park. Not only would this be in breach of the covenants that apply in Selly Park but it would also mean that there would be deliveries of raw material and bottles to the premises and deliveries of product from the premises. This would cause a public nuisance. Further, the presence of a distillery with obvious stocks of liquor would be an invitation for crime. If there were sales direct from the premises that would be a big increase to the number of licenced outlets in this immediate area of Selly Park, with the potential for drunkenness, public safety etc.

Kind regards

Selly Wick Rd
Birmingham B29 7JJ

From:
Sent: 08 December 2018 09:48
To:
Subject: Licensing application for 18 Elmdon Road, Selly Park

Dear Sir,

The Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham B29 7LF

I am writing to register my objection to the application for a premises licence by the Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham B29 7LF. The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, namely the prevention of crime and disorder, the promotion of public safety, the prevention of public nuisance and the protection of children from harm.

18 Elmdon Road is a domestic house on a quiet residential street. The application states that business activity will take place seven days a week, from 8 am to 8 pm, with deliveries and collections taking place from the property. This will result in noise and disturbance for neighbours, significantly at odds with the residential character of the area. This contravenes the licensing objective of the prevention of public nuisance.

With regards to public safety and crime, the premises concerned is a domestic house – not a warehouse – and, as such, is unsuitable for use as a licensed premises. As an online trader, the premises will presumably be advertising its address and may be targeted by criminals. There is insufficient information provided in the application on how alcohol will be securely stored, what fire prevention and security measures will be put in place appropriate to the building's use as an off license. This is particularly relevant given that the building concerned is a domestic house.

Given that the building is used as a domestic dwelling, children may also be present or visit. There is no information provided as to how access to the area in which the alcohol is to be stored will be restricted and controlled.

Lastly, the application states that the premises licence holder will operate a Challenge 25 policy. However it is not stated how age restrictions on the purchase of alcohol will be enforced, given that the goods will be ordered remotely and collected and delivered by courier.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,

Selly Park Road, Birmingham

From:
Sent: 08 December 2018 09:59
To:
Subject: 18 Elmdon Road: Objection to application for a premises license

Dear Sir,

The Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham B29 7LF

I write to object to the application for a premises licence by the Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham B29 7LF, on the basis of: prevention of crime and disorder, the promotion of public safety, the prevention of public nuisance and the protection of children from harm.

Elmdon Road is a residential street comprised of well-cared for family homes. Number 18 appears to be a family dwelling, and is subject to the Selly Park Dolphin covenants which prevent any '*public house liquor shop retail brewery or shop or manufactory of any kind nor any buildings other than dwellinghouses*'. Furthermore, the dwelling is in an alcohol restricted area.

The application seeks for business activity to take place seven days a week, from 8 am to 8 pm, with deliveries and collections from the property, producing unacceptable noise and disturbance for the neighbours in this residential area. Presumably alcohol would be stored on the premises, making the property a potential target of crime and at risk of fire. Given the presence of children living as neighbours in this family road, if not in number 18 itself, the changed environment and the possible opportunity to purchase alcohol without having their age confirmed, could put them at risk should a license be granted.

For these reasons I very much hope the Licensing Authority will refuse the application.

Yours faithfully,

Serpentine Road, B29 7HU

From:
Sent: 08 December 2018 15:12
To:
Cc:
Subject: Objection to Application Number 108932

Dear

We are writing in relation to application number 108932, 18 Elmdon Road Selly Park, B29 7LF for a licence to distill/sell alcohol.

As you are aware, Selly Park is a residential/ conservation area. There are also primary schools and nurseries in the vicinity of Elmdon Road.

In addition, there is a hospice caring for sick and vulnerable adults as well as nursing home in close proximity.

Hence, we strongly object this application being approved for the following reasons-

- 1) The prevention of public nuisance**
- 2) Public Safety**
- 3) The prevention of crime and disorder**
- 4) The protection of children from harm**

Hope that our objection is acted upon.

Yours Sincerely,

Upland Road
Selly Park
B29 7JS

From:
Sent: 09 December 2018 16:30
To:
Subject: Application 108932 18 Elmdon road B29 7LF

I wish to object to the planning application to sell alcohol at the above premises on the grounds that there is the potential for a public nuisance

There is an issue of the safety of the public and of children

Outside licensed premises there is often disorderly behaviour and potentially crime.

The application is completely unsuitable for what is a very pleasant residential area.

In addition, there is already a "bottle shop" a few hundred yards away in Raddlebarn road and a public house a quarter of a mile away.

Selly Wick Road
B29 7JJ

From:
Sent: 10 December 2018 11:07
To:
Subject: application number 108932

Dear Sir

An application for a licence to sell alcohol has been made by The Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham B29 7LF - Application number 108932

This is a residential house on the selly park estate, and use of the premises to sell alcohol would be in breach of the covenants, as quoted.

*AND that no public house liquor shop retail brewery or shop or
manufactory of any kind nor any buildings other than dwellinghouses
with suitable outbuildings and offices should be erected or allowed to
be upon the said piece of land or any part thereof.*

In fact breach of the covenant would be on 2 counts ie
-selling of alcohol from the property
-running a business from the property

I wish to object to this planning application on the basis of the covenant and also on the grounds of
1) prevention of commercialisation of a residential area
2) Public Safety, local congestion
3) The prevention of public nuisance

King Regards

Eastern Road
Selly park
B29 7JP

From:
Sent: 07 December 2018 17:44
To:
Subject: Objection to the sale of alcohol by The Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham B29 7LF - Application number 108932

Dear Sir,

I object very strongly to the sale of alcohol by The Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham B29 7LF - Application number 108932.

This is a quiet residential area. Selling alcohol in it is totally inappropriate. This will lead to disorder and public nuisance. Children use the nearby recreation ground and the sale of alcohol close by may well endanger them.

The application states that the premises is a "warehouse". It is in fact a family house.

It would be appalling to find that Birmingham City Council allowed residential premises to be used in such a way. Should it happen, I would expect there to be a great uproar in the local community.

Yours faithfully,

Selly Wick Road.
B29 7JJ

From:
Sent: 11 December 2018 18:20
To:
Subject: Alcohol License Application 108932

Selly Avenue
Selly Park
Birmingham
B29 7PE

Objection to licence request 108932

The Sin of Gin Ltd - 18 Elmdon Road

Dear

I have been forwarded your email on the understanding that you are the person to contact re objecting to the licence application 108932.

The application for a license to sell alcohol states that the premises is a warehouse. It is not. It is a residential address, a family home in the Selly Park Conservation Area.

As a family home in the Selly Park Conservation Area it has a specific covenant on the address which states,

‘That no public house liquor shop, retail brewery or shop or manufactory of any kind nor any buildings other than dwelling houses with suitable outbuildings and offices should be erected or allowed to be upon the said piece of land or any part thereof.’

It is clear therefore that this application goes against the covenants written to prevent this sort of business being run from the house.

The Selly Park area is an alcohol free zone. We’ve had difficulties in the past with on street drinking, partly because of the volume of students in the area openly consuming alcohol. This constitutes a public nuisance particularly with the playing fields being so close where students gather especially in the Spring and Summer months. The business ‘is for the on-site production for distilling, rectifying and blending of spirits,’ which is totally inappropriate for this area.

There has been an increase in crime in Selly Oak and Selly Park with homes broken into and cars stole. Having a business dealing with and storing alcohol in a family home may be tempting for the criminal element.

As 18 Elmdon Road is a residential property it is next to my family and children. Families with young children also live opposite, further along Elmdon Road and at the rear of the property. It is unacceptable to run this business from this address.

Yours sincerely,

From:
Sent: 12 December 2018 15:57
To:
Subject: ALCOHOL LICENCE APPLICATION 108932 made by The Sin of Gin Ltd. 18 Elmdon Road, Selly Park, Birmingham B29 7LF

Dear Sir

I am writing to register my objection to application number 108932 for a premises licence made by the Sin of Gin Limited, 18 Elmdon Road, Selly Park, Birmingham B29 7LF. The reason for my objection is that granting a licence for these premises would fail to support the licensing objectives, which I gather to be the prevention of crime and disorder, the promotion of public safety, the prevention of public nuisance and the protection of children from harm.

The location for this business in Elmdon Road is a dwelling house situated on a quiet residential street surrounded by other similar dwellings in the Selly Park Conservation Area. The application states that business activity will take place all week, including weekends, from 8 am to 8 pm, with deliveries and collections from the property. This will result in noise and disturbance for the premises' neighbours, and would be entirely out of character with the residential nature of the area. This contravenes the licensing objective of the prevention of public nuisance.

The use of a domestic dwelling house in this residential area raises concerns about public safety and crime. 18 Elmdon Road was not built as a warehouse. It is a medium sized detached dwelling house, and hardly suited for use as licensed premises. As an online trader, the premises will presumably be advertising the address, and it could be targeted by criminals. There is also insufficient information provided in the application on where the alcohol will be stored, and what fire prevention and security measures will be put in place appropriate for such use.

Furthermore, given that the building is used as a domestic dwelling house, children might well be present. There is no information given as to how access to the alcohol stored in this "warehouse" will be restricted and made safely out of reach of anyone under age.

Finally, the application states that the premises licence holder will operate a "Challenge 25" policy. However it fails to state how age restrictions on the purchase of alcohol will be enforced, given that the goods will be ordered remotely and collected and delivered by courier.

For these reasons, I would strongly urge the Licensing Authority to refuse the application.

Yours faithfully

Oakfield Road, Selly Park, Birmingham.

From:
Sent: 12 December 2018 18:25
To:
Subject: Licence application 108932 - objection

I wish to object to the licence application 108932.

There is misrepresentation of the premises described in the application, which is described as a warehouse. These premises are a house and part of a residential road in Selly Park. The premises are within the Selly Park Conservation area and are also part of the Covenanted land within that area: as such the covenants state that no alcohol production is permitted.

The premises are also close to the park on Elmdon/Raddlebarn Road and almost opposite the sports ground on Elmdon Road. While there are no direct sales to the public there will be deliveries and collections up to 9pm. The licence application states that the premises will be open Monday - Sunday 8am to 8pm, but the application says no deliveries after 9pm - another discrepancy.

There are significant traffic issues locally, including parking and Elmdon Road is very busy with commuter traffic. There is also St Mary's hospice in close proximity where there is considerable traffic related to the activities of the hospice. Also in close proximity are several schools and churches, all contributing to traffic & parking issues. A business in this busy residential road would be highly inappropriate. Cars associated with this residential area are normally parked in the drives of the houses. Delivery and collection is likely to require parking on this already busy road.

I therefore object this application on a matter of public safety, public nuisance and the potential issue of crime and disorder.

Yours faithfully

Selly Park,
Birmingham B29 7JW

From:
Sent: 13 December 2018 12:13
To: Licensing
Subject: FW: New general enquiry - ref: 1173763

Licensing objection please can you deal with this one.

From: WebTeam **On Behalf Of** CS Back Office
Sent: Wednesday, December 12, 2018 5:44 PM
To: CS Back Office
Subject: New general enquiry - ref: 1173763

You have received the following general enquiry:

Question	Response
<i>First name:</i>	
<i>Last name:</i>	
<i>Email address:</i>	
<i>Address:</i>	___ Elmdon Road, Selly Oak, Birmingham, B29 7LF
<i>Enquiry details:</i>	<p>Alcohol licence application no.108932 for 18 Elmdon Road (proprietor Ms Kathryn Patricia DEAN) I did try going to licence applications but could get no details. We wish to object to this application as not only is this house in a conservation area and covered by a covenant and therefore should not be running a business from these premises, this road is also very busy and having people coming and going every day will cause even more problems. Also there are 3 schools and 2 nurseries in the area and would not be very pleasant for the children and their parents having to witness this. Also as this is next to Selly Park Rec. it will encourage unsocial behaviour with people drinking in the park and cause a public nuisance</p>

I live at ___ Elmdon Road, B29 7LF and wish to object strongly against this license as not only is this house in a conservation area and covered by a covenant, this house should not be running a business from these premises. This road is already very busy and having people coming and going every day will cause even more traffic problems. Also there are 3 schools and 2 nurseries in the area and would not be very pleasant for the children and their parents having to witness this. Also as this house is next to Selly Park Rec. it could encourage unsocial behaviour with people drinking in the park and cause a public nuisance, and Selly Park Rec. also has St Marys Hospice situated there. I await your response.

Ref: 1173763

From:
Sent: 17 December 2018 10:58
To:
Subject: Opposition to Licence application 108932

Dear ,

I live at , Selly Avenue which was formerly known as , Elmdon Road and is one of the adjacent properties to 18 Elmdon Road, the subject of the alcohol licence application 108932.

I object to this application on a number of grounds :

18 Elmdon Road is a house not a warehouse. It is covered by the full Dolphin Estate Covenant which, I am sure you are aware, restricts uses other than as a dwelling house and particularly prohibits the sale or manufacture of alcohol.

This application is an intention to breach the restrictive covenant.

There are school age children living at adjacent houses ,
 , Elmdon Road.

This would be a change of use to an alcohol business being run from the property and would require planning permission, which I would also oppose.

It will become an increased target for crime.

Traffic on an already congested road will be increased with deliveries and collections.

It's an alcohol free zone.

This application is being made by tenants of the property, whose main interest is in running a business and not the impact on the residents in the road or indeed the area.

Once an alcohol licence is granted it is easy to add or change licensable activities which could be taken advantage of by the current tenants.

Thank you,

From:
Sent: 20 December 2018 16:58
To:
Subject: 18 Elmdon Road, Selly Park, B29 7LF - Ref 108932 - Application for the sale of alcohol by retail (off the premises)

Dear :

I write to object to this application for the following reasons.

- The premises are in an extensive residential area and a business use would be out of character and lead to a reduction in amenity to its neighbours caused by noise and additional commercial traffic.
- The premises are described in the application as a 'warehouse', but the building is a conventional brick-built garage at the side of a house.
- There is a long established off licence on Raddlebarn Road, approximately 400 metres from the application premises, which can satisfy local demand for off licence sales.

Yours sincerely,

Serpentine Road
Selly Park
B29 7HU

BCC	
REGULATION & ENFORCEMENT	
LICENSING SECTION	
DATE RECEIVED	
21 DEC 2018	
REF NO	
INITIALS	

Selly Av
Birmingham
B29 7PE

20/12/18

Dear Sir/Madam,

Re: 108392 / The Sn of Grin

I wish to object to the above application on the following grounds:

- 1) Not in keeping with the residential / church / school area
- 2) Increased traffic and obstruction from vehicles carrying out deliveries
- 3) Increased probability of off-premises alcohol consumption which will cause social issues / noise issues to residential area

- d) The area is already impacted by a high burglary and car theft and off premises alcohol consumption will only increase that.
- e) Applicant will no doubt say that no alcohol will be consumed on premises but they cannot control drinking in adjoining areas such as in Selly Park
- f) Overall the risk to anti-social behaviour in a residential area should mean that this is rejected.
- Regards

**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 The Sin of Gin 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 of premises The Sin of Gin Limited 18 Elmdon Road Selly Park		<div style="border: 1px solid black; padding: 5px; text-align: center;"> ECC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 22 NOV 2018 REF NO INITIALS </div>	
Post town	Birmingham	Postcode	B29 7LF

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£n/a

Part 2 – Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | 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 (by ticking yes to one box below):

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 over			I am 18 years old or <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)	
-----------------------------	------------------------------	-------------------------------	-----------------------------	--------------------------------	--

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

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

Online retailer selling compounded gin for consumption off the premises only.

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

Surname		First names	
Date of birth over		I am 18 years old or <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 The Sin of Gin Limited
Address 18 Elmdon Road Selly Park Birmingham B29 7LF
Registered number (where applicable) 09291032
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

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

☐

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

B

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

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			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

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

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music 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 type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

F

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

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take 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 type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

H

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			<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)		
Thur			<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)		
Fri					
Sat					
Sun					

I

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 type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>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</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	08:00	20:00			
Tue	08:00	20:00			
Wed	08:00	20:00			
Thur	08:00	20:00			
Fri	08:00	20:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	08:00	20:00			
Sun	08:00	20:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Kathryn Patricia Dean	
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)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			<u>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</u> (please read guidance note 6) The premises will not be open to the public
Thur			
Fri			
Sat			
Sun			

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

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

No deliveries of alcohol shall take place to the premises between 21:00 hours and 08:00 hours the following morning.

No collections of alcohol shall take place from the premises between 21:00 hours and 10:00 hours the following morning.

No member of the public shall be allowed on the Premises for the purposes of selecting or purchasing alcohol

Any alcohol purchased shall not be collected from the Premises other than by couriers or employees authorised by the Premises licence holder.

The Premises Licence Holder shall operate a "Challenge 25" policy. Any person who appears to be under the age of 25 years will be required to show photographic identification prior to the supply of alcohol.

Alcohol will not be delivered to persons under the age of 18.

The licensed area will be fitted with an alarm and motion sensor.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

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

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	<i>Gordon Dadds LLP</i>
Date	23 11 2018
Capacity	Solicitors and Agents for the Applicant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Philip Somarakis, Gordon Dadds LLP 6 Agar Street			
Post town	London	Postcode	WC2N 4HN
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or

(iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please 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.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please 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 or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.
 15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or

- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

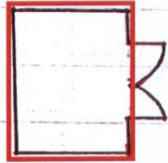
If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

THE SIN of GIN

Scaled drawing of premises used by The Sin of Gin Ltd.
18 Elmdon Road, Selly Park, Birmingham, B29 7LF.

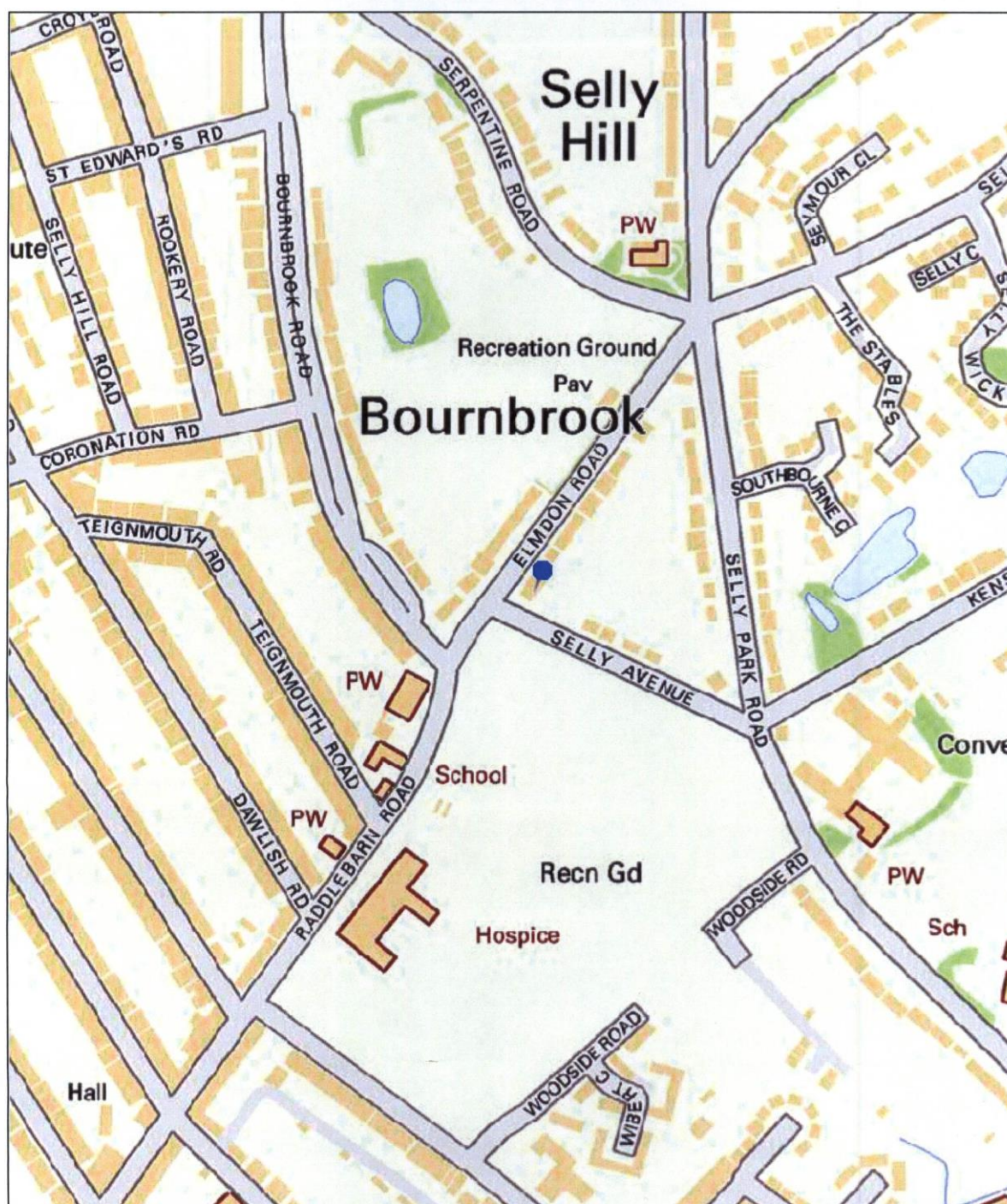
1cm / 100cm



Red line = Licensable activity will take place within this area.

Main House

Scanned with CamScanner



Birmingham City Council

Map Created By:

Date of Map Creation: 04/01/2019

Notes



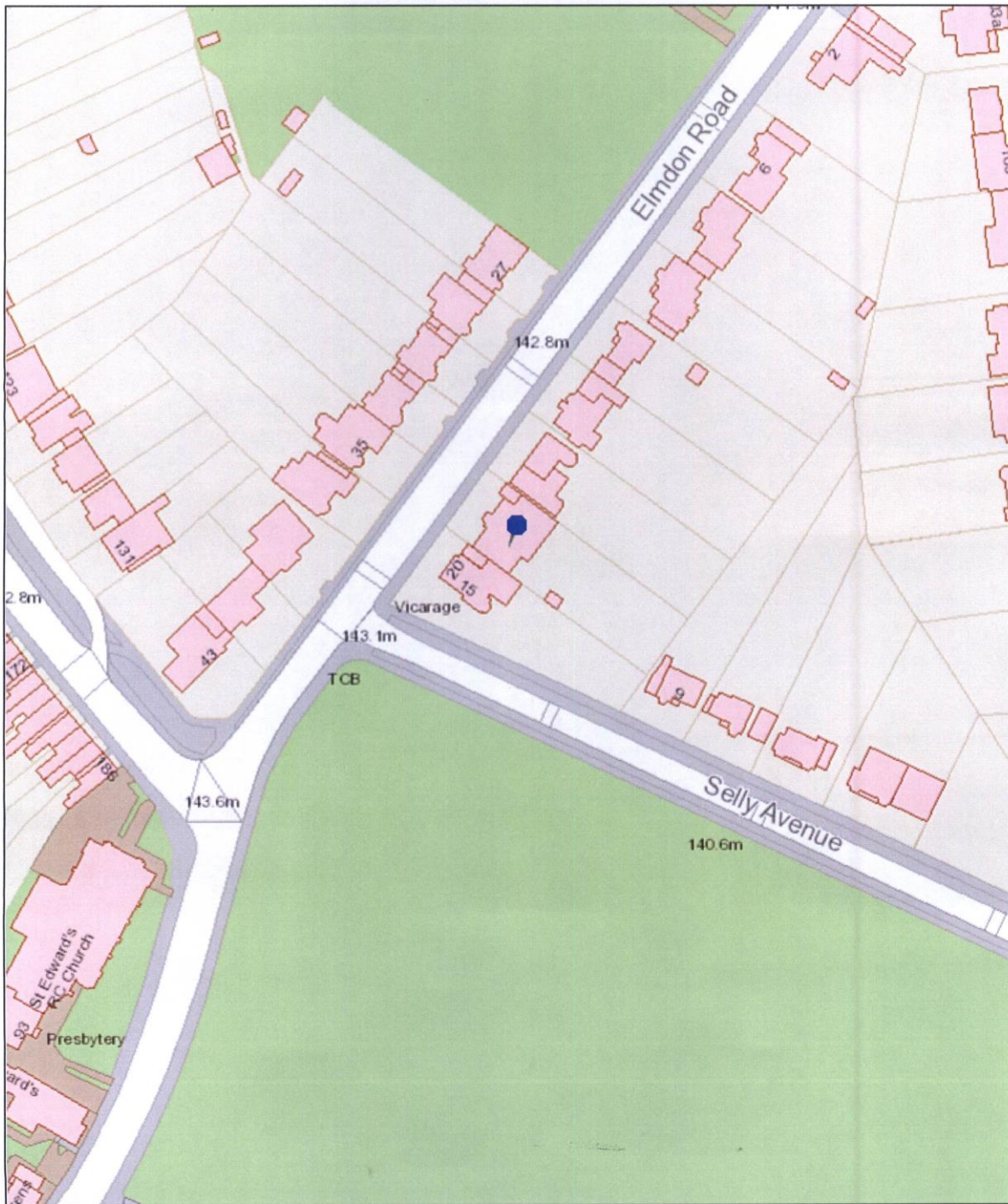
Scale:

1:4,000

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Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 04/01/2019



Scale:
1:1,250

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1. My name is Kathryn Dean and I am the owner of this very small company, "The Sin of Gin."
2. I started this company in memory of my father, a Presbyterian Minister from Northern Ireland. I say, 'in his memory', because he is my source of the original recipe, although he did not create it himself. In fact, it was bequeathed to him by one of his parishioners, a wonderful 94-year old widow [Constance], who had lived in India when her husband served there, in the Indian Army, near the end of the 19th century.
3. During that period, Gin and Tonic was frequently consumed across the whole of the British Empire to ward off malaria, principally because the tonic contained large amounts of quinine, well-known for its anti-malarial properties.
4. Constance disliked the drink, but felt she had to drink it, so she decided to try to make it more palatable by infusing the gin with lots of local ingredients, thereby changing its flavour and colour. She later decided to try adding some sugar to it too, and it became the recipe for what I now call my Colonial Spiced Gin.
5. All through my childhood, and using Constance's recipe, my father produced very small quantities of Colonial Spice, which he would joyfully open at Christmas. I would always help him. Unfortunately, he stopped making it for a few years and we lost the recipe, such that production ceased for over 25 years!
6. In 2012, after my father's death and whilst helping my mum to clear up his belongings, I came across it, folded in a card from Constance, in which she had thanked my father for conducting her funeral. It was a very emotional moment for me, finding the recipe that I had helped him to make as a young child in the build-up to each Christmas.

7. And so, my own production started, just for my family at first and then for a close circle of friends. They encouraged me to produce more, which I did, and eventually, after experimenting, I added four more infusions, and started my little company.
8. I then attended a few festivals and sold to a couple of restaurants in Birmingham, after they had heard about it and had approached me to buy some. I remain a very small company [there's just me] with a very small operation. I had plans to expand a bit by selling online but did not have the time to continue with those plans because the realities of life took over when I became the main carer for my daughter.
9. Eventually, in 2019, I have decided to try to go ahead with my plans, mainly because I had so much interest from the festivals I had attended and also because my daughter was becoming more independent and starting back at school.
10. So here I am, applying for a Premises License.
11. I have read each of the letters and emails regarding my application and, I must say, can well understand the concerns that have been raised, but I suspect that those concerns may be because of the very limited information that was supplied in the application. I hope that when it becomes clear how I intend to run my tiny business, and what that business involves, people will see that their concerns are misplaced.
12. I would now like to explain why this is the case. The objections to my application, mainly fall into these 4 groups:

Public Nuisance	14
Prevention of Crime and Disorder	8
Public Safety	10
Protection of Children from Harm	13

13. I will try to deal with each of them. My business will predominately be an online business, albeit there will be a small business-to-business service as I currently supply to four restaurants on a very small scale. That means that no one will be visiting my premises to collect any of my gin, or parking on the road to come to our house and view it. They never will. I do not and would never contemplate selling gin directly over the doorstep. My products will either be delivered by me personally, if the buyer lives nearby and to the four

restaurants that now buy from me, or delivered on my behalf with the requisite checks in place to ensure that deliveries are not to persons under 18.

14. All bottles are stored in a secure shed, where I will seal and label them. I will then send them via UPS who will deliver them under specific instructions.
15. I am not expecting a large volume of sales as my stock is handmade and therefore very limited. At any one time, I have no more than 100 litres of gin stored and infusing.
16. I hope it is obvious from the attached photographs at the end of this document that I run a tiny, artisan operation. Everything takes place in my garden shed, which is only my 2m x 2.5m. It has a motion detector alarm and also has a security camera covering it, which preserves footage for 30 days. There is also a camera in operation at the front of my house too.
17. The shed in the back garden is locked and, to anyone passing by, remains unknown and hidden. It would be impossible for anyone walking by to know that I infuse gin in my garden.
18. I am not the only business that is run from a home on Elmdon Road. Four houses down from me is The Foot Clinic, which seems to co-exist peacefully with local residents, and has a genuine footfall of clients, whereas I would not have any.
19. There have been many concerns over parking and concerns that deliveries and collections will cause congestion, be a public nuisance and affect public safety. However, to reassure everyone, I would like to say that I have very few deliveries to my premises. They are made with the same frequency as most houses, nowadays, have Amazon deliveries. The largest quantity of bottles I have ever ordered was 100, which arrived in a medium sized cardboard box, and took no more than 5 minutes to deposit in my porch.
20. I can confidently and categorically say that there will be no disruption to anyone on Elmdon Road as a result of me being granted a Premises License, or at least no more than anybody who has deliveries from Amazon from time to time. My deliveries are not even frequent.
21. We already experience a lot of parking on our road, at weekends, which is as a result of the two churches at either end, and the Sunday football and

cricket that takes place. I would never object to any of this. In fact, I welcome it and the vibrancy and life it brings to Elmdon Road. Yet I do not ask for any such indulgence and am certain that my business would never cause any congestion, ever, on our lovely road. I feel it would be very unfair to penalise me for my odd delivery from time to time, and like the ones that every other household has nowadays, by refusing me a license.

22. I am aware that I live in an alcohol-free zone and welcome it. I will not be selling to anybody who comes to my door. I do not advertise where the business is. I doubt any of my fellow neighbours, in our community, even know about me or my business, other than my immediate neighbours, whom I told about my business-hobby when we first arrived here two years ago.
23. My business is not and would never be a danger to children. I have 4 daughters of my own and would not entertain any such risk. Nor will my business increase crime in the area. Yes, I operate in a residential area, but I operate a very small, safe business and adhere to all the fire and safety regulations, as will be confirmed, I hope, by the Fire Officer who visited my premises.
24. I am concerned that those who have objected have the mistaken impression that I am going to be operating some sort of off-licence type of set up and/or that there might be consumption of alcohol in or around my house. Nothing could be further from the truth and this is most definitely not the case.
25. I invite any neighbour who wishes to visit my home, and see my tiny operation for themselves, to do so. If anyone has any concerns then I welcome their visit and the chance to show and explain to them what I am doing, as I am convinced they will soon have any fears allayed, and will feel reassured.
26. Thank you for hearing what I have to say. I hope my explanation has provided comfort, peace of mind and reassurance to everyone who lives nearby.

Kitty Dean
Sin of Gin

Supporting Documents continued:

Photographs of premises not to be made public

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Monday 21st January 2019
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	The River, 30 – 34 River Street, Digbeth, Birmingham, B5 5SA
Ward affected:	Bordesley & Highgate
Contact Officer:	Bhupinder Nandhra, Senior Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider a 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 10:00am until 12:00midnight (Sunday to Wednesday) and 10:00am until 01:00am (Thursday to Saturday).

The provision of Regulated Entertainment consisting of plays, films, indoor sporting events, boxing or wrestling, live music, recorded music, performances of dance and anything of a similar description, to operate indoors only, from 10:00am until 12:00midnight (Sunday to Wednesday) and 10:00am until 01:00am (Thursday to Saturday).

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

Premises to remain open to the public from 08:00am until 12:30am (Sunday to Wednesday) and 08:00am until 01:30am (Thursday to 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 28th November 2018, in respect of The River, 30 – 34 River Street, Digbeth, Birmingham, B5 5SA.

A representation has been received from Environmental Health as a responsible authority.

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>HS2K Ltd applied on 28th November 2018 for the grant of a Premises Licence for The River, 30 – 34 River Street, Digbeth, Birmingham, B5 5SA.</p> <p>A representation has been received from Environmental Health, as a responsible authority. See Appendix 1.</p> <p>The application is attached at Appendix 2.</p> <p>Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 3.</p> <p>Site Location Plans at Appendix 4.</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>Conditions agreed with West Midlands Police, 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>



To:	Licensing Section, PO Box 17013, Birmingham, B6 9ES	Date: 20 th December 2018
From:	Jane Dunsford Environmental Health, 40 Moat Lane, Birmingham, B5 5BD	Tel:
Subject:	Application for Premises License – Licensing Act 2003 Address – The River, 30- 34 River Street, Birmingham, B5 5SA	

I, Jane Dunsford, as a representative of Environmental Health, formally raise a representation on the above application. My representation concern is the likely effect of the grant of the licence on the promotion of the licensing objectives relating to the prevention of public nuisance.

The premises is within a **Cumulative Impact Policy Area** and it is felt that the applicant has not demonstrated fully that they will not add to the cumulative impact within this area with regard to noise and public nuisance. The structure of the building in its present state is not designed to hold music events, without these events affecting local nearby residents due to noise breakout from the building.

Additionally patrons accessing and egressing the premises and using the smoking area at the front will add to the cumulative impact and it is felt this has not been fully addressed. This would likely include groups of people talking loudly outside the venue in the early hours, people parking cars and getting in and out of the cars with doors banging and loud music from car radios and taxi delivery and pick- ups, all related to the premises. The problem of people exiting and entering the site is made worse by the narrow streets around the site and the problems with parking in the area, before a large number of additional people arrive for an event at the site.

I do not believe that the cumulative impact has been adequately addressed and this along with my concerns about public nuisance and the need to carry out significant work to the premises to mitigate noise have lead to my recommendation to refuse the license. If however, contrary to my recommendation, the licence is granted the condition(s) I suggest to mitigate this concern are numbered C1 to C15

Recommended Conditions

C1 - An assessment of the building design and structure and a proposed scheme of noise insulation and attenuation shall be produced by a suitably qualified and experienced noise consultant. This scheme shall be submitted in writing to the Environmental Protection Unit of Birmingham City Council and entertainment involving live music or amplified recorded music, speech or sound shall take place until the mitigation measures that have been approved in writing by the Environmental Protection Unit of Birmingham City Council have been implemented. The noise mitigation measures shall be thereafter maintained.

C2 – To avoid nuisance being caused to neighbours the DPS, or other nominated person/staff, shall monitor the external areas of the Premises after 23:00 hours, including the smoking area, and frontage onto Fazeley Street. If necessary, they shall remind customers to be respectful of neighbours and where necessary they shall limit the number of customers going outside to use the smoking area and take appropriate steps to avoid customers who use the frontage of the premises causing a nuisance.

C3 – All external doors and windows shall be kept closed during live music or amplified music, speech or sound except as necessary for safe and effective access and egress.

C4 – Prior to any entertainment involving amplified music, speech or sound taking place, a Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to serve any area of the premises used for amplified music, speech or sound. The NLD shall be set at a level agreed with the Environmental Protection Section to ensure that the volume is controlled to avoid noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Section prior to use and shall meet 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 or tampered with in any manner unless prior approval is given,
- b) The device shall be capable of either:-
 - i) cutting off the mains power to the amplification equipment if the volume exceeds the pre-set level determined by the Environmental Protection Unit and shall not restore power to the amplification equipment until the NLD is reset by the DPS or their nominated person, or
 - ii) otherwise maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit,

- c) where the NLD operates by cutting off the mains power to the amplification equipment, amplification equipment shall be operated through the sockets/power points linked to and controlled by the NLD at all times,
- d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification equipment 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.

C5 – Prior to any live music or amplified music, speech or sound taking place, the fire exit doors to the premises shall be fitted with an audible alarm that sounds in a suitable location in the main bar area to warn staff that the doors have been opened when the building is in use. The DPS or their nominated person shall ensure that fire exit doors are only opened appropriately in an emergency and if the alarm activates shall immediately investigate and ensure the doors are closed as soon as possible.

C6 – The Licensee shall, within 3 months of the date of issue of this licence, submit in writing a noise management plan to Environmental Protection Unit of Birmingham City Council. The noise management plan shall outline the measures to be adopted to reduce the noise impact of activities associated with the premises including music, smoking area and dispersal policy. All operational controls and management actions required by the approved noise management plan shall be instigated at all times. The noise management plan shall be updated regularly and all staff shall be adequately trained in their role in implementing the plan.

C7 – No drinks shall be removed from the premises.

C8 - No waste or recyclable material, including bottles, shall be moved, removed or placed in areas outside the premises building between the hours of 22.00 and 08.00.

C11 No new customers shall enter the premises after 23.00.

C12 There shall be no speakers used for amplified music, speech or sound outside the building.

C13 The Premises Licence Holder shall ensure notices are displayed at all entrances and exits of the premises advising customers to have respect for the nearby residents and keep noise levels to a minimum as they depart.

C15 The premises shall have an approved documented dispersal policy (approval needed in writing from Birmingham City Council Environmental Health department), which shall be implemented for dispersal at all times the premises are open for licensable activity. The policy shall include the dispersal of customers exiting the premises away from nearby residential properties. The dispersal policy shall be reviewed periodically or in the case of noise complaints relating to dispersal activities and revised as necessary and the revised policy shall be submitted in writing Environmental Health Department for approval. All operational controls and management actions required by the approved dispersal policy shall be instigated at all times. On Thursdays ,Friday's and Saturday's from 21:00 hours all entrances shall be supervised by door staff who shall ensure that the dispersal policy is followed and people accessing and egressing the premises do not cause noise nuisance to nearby residential premises.

In light of the matters set out above I object to the licence being granted.

**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 HS2K LTD

(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		REGULATION 4 ENFORCEMENT LICENSING SECTION DATE RECEIVED 28 NOV 2018 PAO 29.11.18 REF NO 009487/000762 INITIALS LW - £190.00	
The River 30 - 34 River Street Digbeth			
Post town	Birmingham	Postcode	B5 5SA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£28,250

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | |
|--|---|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) a health service body | <input type="checkbox"/> 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 (by ticking yes to one box below):

- 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 I am 18 years old or over				<input checked="" 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		I am 18 years old or over		<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 HS2K LTD
Address 122, Stratford Road Shirley Solihull B90 3BB
Registered number (where applicable) 09100813
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited company set up to develop building project, for an events venue at River Street.
Telephone number (if any)
E-mail address (optional). Via agent

Part 3 Operating Schedule

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

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

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

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

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

The River is located close to the City Centre Night Time Economy and within the Cumulative Impact Area, it will be a "high end" venue catering to more discerning clients, for a variety of events, as a key "Events space".

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon	1000	0000	<u>Please give further details here</u> (please read guidance note 4)	
Tue	1000	0000		
Wed	1000	0000	<u>State any seasonal variations for performing plays</u> (please read guidance note 5)	
Thur	1000	0100		
Fri	1000	0100	<u>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</u> (please read guidance note 6)	
Sat	1000	0100	Activity to 0200 hrs on Bank holidays, Valentine's Day, Christmas Eve, and New Year's Eve	
Sun	1000	0000		

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	1000	0000	<u>Please give further details here</u> (please read guidance note 4)		
Tue	1000	0000			
Wed	1000	0000	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur	1000	0100			
Fri	1000	0100	<u>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</u> (please read guidance note 6)		
Sat	1000	0100	Activity to 0200 hrs on Bank holidays, Valentine's Day, Christmas Eve, and New Year's Eve		
Sun	1000	0000			

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	1000	0000	
Tue	1000	0000	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed	1000	0000	
Thur	1000	0100	<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)
Fri	1000	0100	
			Activity to 0200 hrs on Bank holidays, Valentine's Day, Christmas Eve, and New Year's Eve
Sat	1000	0100	
Sun	1000	0000	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="checked" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	1000	0000			
Tue	1000	0000			
Wed	1000	0000			
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur	1000	0100			
Fri	1000	0100			
			<u>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</u> (please read guidance note 6) Activity to 0200 hrs on Bank holidays, Valentine's Day, Christmas Eve, and New Year's Eve		
Sat	1000	0100			
Sun	1000	0000			

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	1000	0000			
Tue	1000	0000			
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Wed	1000	0000			
Thur	1000	0100			
			<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) Activity to 0200 hrs on Bank holidays, Valentine's Day, Christmas Eve, and New Year's Eve		
Fri	1000	0100			
Sat	1000	0100			
Sun	1000	0000			

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon	1000	0000	<u>Please give further details here</u> (please read guidance note 4)	
Tue	1000	0000		
Wed	1000	0000	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)	
Thur	1000	0100		
Fri	1000	0100	<u>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</u> (please read guidance note 6) Activity to 0200 hrs on Bank holidays, Valentine's Day, Christmas Eve, and New Year's Eve	
Sat	1000	0100		
Sun	1000	0000		

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	1000	0000			
Tue	1000	0000	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed	1000	0000			
Thur	1000	0100			
Fri	1000	0100	<u>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</u> (please read guidance note 6)		
Sat	1000	0100	Activity to 0200 hrs on Bank holidays, Valentine's Day, Christmas Eve, and New Year's Eve		
Sun	1000	0000			

H

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 checked="" type="checkbox"/>
Mon	1000	0000		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	1000	0000	<u>Please give further details here</u> (please read guidance note 4)		
Wed	1000	0000			
Thur	1000	0100	<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	1000	0100			
Sat	1000	0100	<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	1000	0000	Activity to 0200 hrs on Bank holidays, Valentine's Day, Christmas Eve, and New Year's Eve		

I

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	2300	0000			
Tue	2300	0000			
			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed	2300	0000			
Thur	2300	0100			
			<u>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</u> (please read guidance note 6) Activity to 0200 hrs on Bank holidays, Valentine's Day, Christmas Eve, and New Year's Eve		
Fri	2300	0100			
Sat	2300	0100			
Sun	2300	0000			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)		On the premises	<input checked="checked" type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)			
Mon	1000	0000				
Tue	1000	0000				
Wed	1000	0000				
Thur	1000	0100				
Fri	1000	0100				
Sat	1000	0100				
Sun	1000	0000				

State the name and details of the individual whom you wish to specify on the licence as Designated Premises Supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Date of birth	
Address	
DPS. To be added at a later date	
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).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	0800	0030	
Tue	0800	0030	<u>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</u> (please read guidance note 6) Activity to 0200 hrs on Bank holidays, Valentine's Day, Christmas Eve, and New Year's Eve
Wed	0800	0030	
Thur	0800	0130	
Fri	0800	0130	
Sat	0800	0130	
Sun	0800	0030	

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

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

The premises will be professionally run and detailed policies put in place to address the four licensing objectives.

The following policies and procedures in place are to ensure full compliance, for a well-run and well-managed licensed premises, within a Cumulative impact Zone; these include; not least:

- Dress Code and Search policy
- Noise monitoring
- Operations manual and staff training
- Challenge 25
- Notifying WM Police Licensing of all events
- Risk Assessments, all
- Fire Risk Assessment
- Refusals and Incident logs maintained
- Designated smoking area policy
- Pre-Event Safety Checks

b) The prevention of crime and disorder

1. The premises will maintain door staff profiles for all door staff working at the premises.

Door supervisors stationed outside and inside the premises will wear hi-visibility jackets/coats and will have their SIA badge held in a clear arm sleeve.

2. A refusals log will be kept at the premises and completed on any occasion a sale is refused; this will be made available to all Responsible Authorities on request.

3. The Premises licence holder will ensure that they request a SAG, if it is deemed necessary for a specific event.

4. The Premises License Holder shall ensure that a CCTV system is installed at the premises to an agreed specification with Police Licensing. 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. All CCTV images are to be made available to Responsible Authorities. Entrance and queuing areas are to be covered by cameras, in addition to all 'till' serving areas.

5. Risk Assessments will be carried out for each event, and the correct measures will be put in place as deemed necessary to mitigate any risk to customers, staff and members of the general public.

6. The Premises License Holder shall ensure that they request a SAG {Safety Advisory Group} meeting as appropriate, and fully comply with the requirements of this group. The DPS {Designated Premises Supervisor} Promoter and other appropriate persons will attend all SAG meetings.

7. The Premises License Holder will give 28 days' notice of all events of a significant nature, in writing to West Midlands Police, along with a full Risk Assessment and

8. Door staff will use radios to enable them to communicate with each other and the management on site.

c) Public safety

1. A Challenge 25 proof of age scheme will be in operation at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.

2. All staff involved in the sale of alcohol will be trained in the main aspects of the Licensing Act 2003, records will be kept of all training and retraining will take place every six months; training will be delivered by Licence Leader Ltd or a similar competent person.

3. 'Till' prompts will be used at all times, when all alcohol sales are made.

4. In accordance with the Licensing Act 2003, any person who appears to be drunk or heavily under the influence of alcohol will not be served and those arriving intoxicated at the point of entry will not be granted entry.

5. Where it is deemed necessary in a risk assessment, or when direct intelligence is received by the police, additional measures of security will be implemented for specific events.

6. 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 during 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 waistcoats, with their SIA badge held in a clear arm sleeve.

7. The Premises License Holder will operate an incident book and record all incidents that occur inside and immediately outside premises. The incident book is to be made available at all times to be inspected by any Responsible Authority.

8. Search policies will be included in Risk Assessments and the policy will reflect the event risk and security deployment plans, in consultation with the designated security company

d) The prevention of public nuisance

1. Clear signage will prominently be displayed requesting customers to leave the premises quietly; showing respect to neighbouring residents.
2. Doors and windows will remain firmly closed whilst regulated entertainment takes place, with the exception of entry/exit by customers.
3. Undue noise shall not emanate from the premises, or cause disturbance to neighbours or residents within the area.
4. A Noise Monitoring officer will be nominated by the Premises Licence Holder. This person will conduct regular patrols near the premises, using a 'noise meter'. The Environmental Protection Unit {EPU} of the City Council will approve the noise monitoring equipment. Noise recordings will be entered into a logbook and made available to Responsible Authorities upon request.

e) The protection of children from harm

1. A "challenge 25" policy will be used for age verification, meaning any person who appears to be under 25 will be asked for proof of age when attempting to purchase alcohol.
2. Staff will be diligent in observing those attempting to make proxy purchases on behalf of underage persons and alert the DPS when this occurs.

Checklist:

Please tick to indicate agreement

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

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

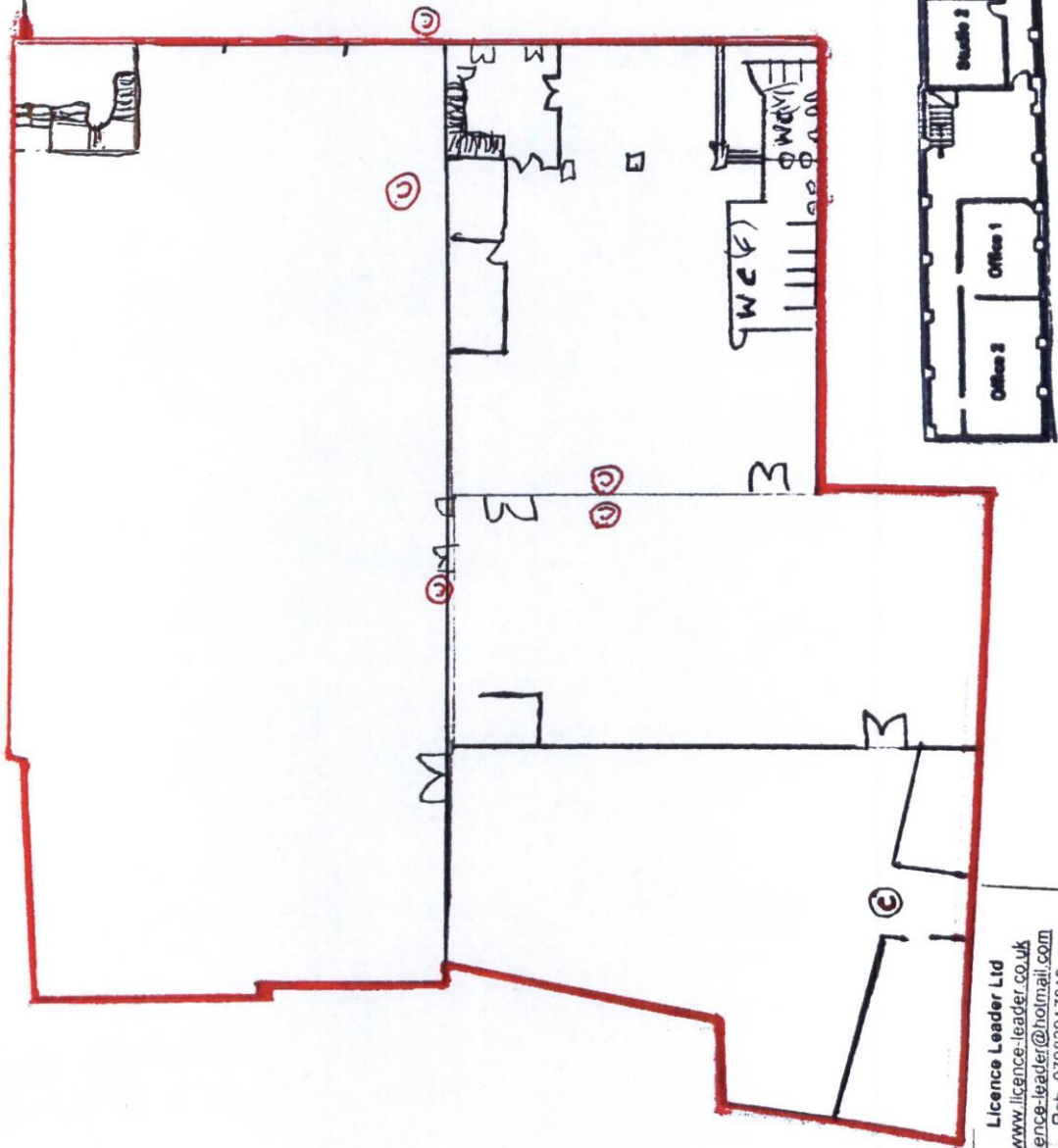
Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	27, November 2018
Capacity	Agent for the applicant

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

T H E R I V E R

DIGBETH



Licence Leader Ltd
www.licence-leader.co.uk
licence-leader@hotmail.com
 Rob. 07982917619

From: Licence Leader Ltd
Sent: Friday, December 07, 2018 2:29 PM
To: Deano Walker;
Subject: RE: The River. B5 5SA

Licensing and PC Walker,

The applicant does agree to these and the existing {original} conditions to apply to this application.

Regards

Rob

From: Deano Walker
Sent: 07 December 2018 14:26
To: Licence Leader Ltd'
Subject: RE: The River. B5 5SA

Hi all,

West Midlands Police are happy to agree with these conditions but before we do can the applicant please confirm that all the conditions that were in the original application will also be placed on the granted licence?

Regards

Deano

PC 1978 Deano Walker
Birmingham Police Central Licensing Team

From: Licence Leader Ltd
Sent: 07 December 2018 13:15
To:
Cc: Deano Walker
Subject: The River. B5 5SA

Good afternoon,

Please find attached, signed condition agreed with WM Police to be added to the existing licensing conditions for this application.

Kind regards

Rob Edge
Licence Leader Ltd

**The River
30-34 River Street
Digbeth, Birmingham.
B5 5SA**

These conditions as amendments to the operating schedule of the premises licence are agreed with West Midlands Police licensing team on 6 December 2018

1. When licensable activity takes place there will always be a personal licence holder on duty at the premises.

The premises will only operate licensable activity for pre-booked events.

When the premises is not booked for planned events, it will not operate as a walk in venue for the general public.

The premises will record the name, date of birth, address and contact number of any persons hiring the venue. (Booking form.) The risk assessment grading will be written on the booking form.

When carrying out licensable activity the premises will display prominent signage outside the front of the venue stating that the venue is open for a private function or event, invite only and no access is permitted to the general public.

All events will be risk assessed and the premises will notify West Midlands Police licensing team of any event deemed to be medium or high risk. This notification will be made 28 days before the event.

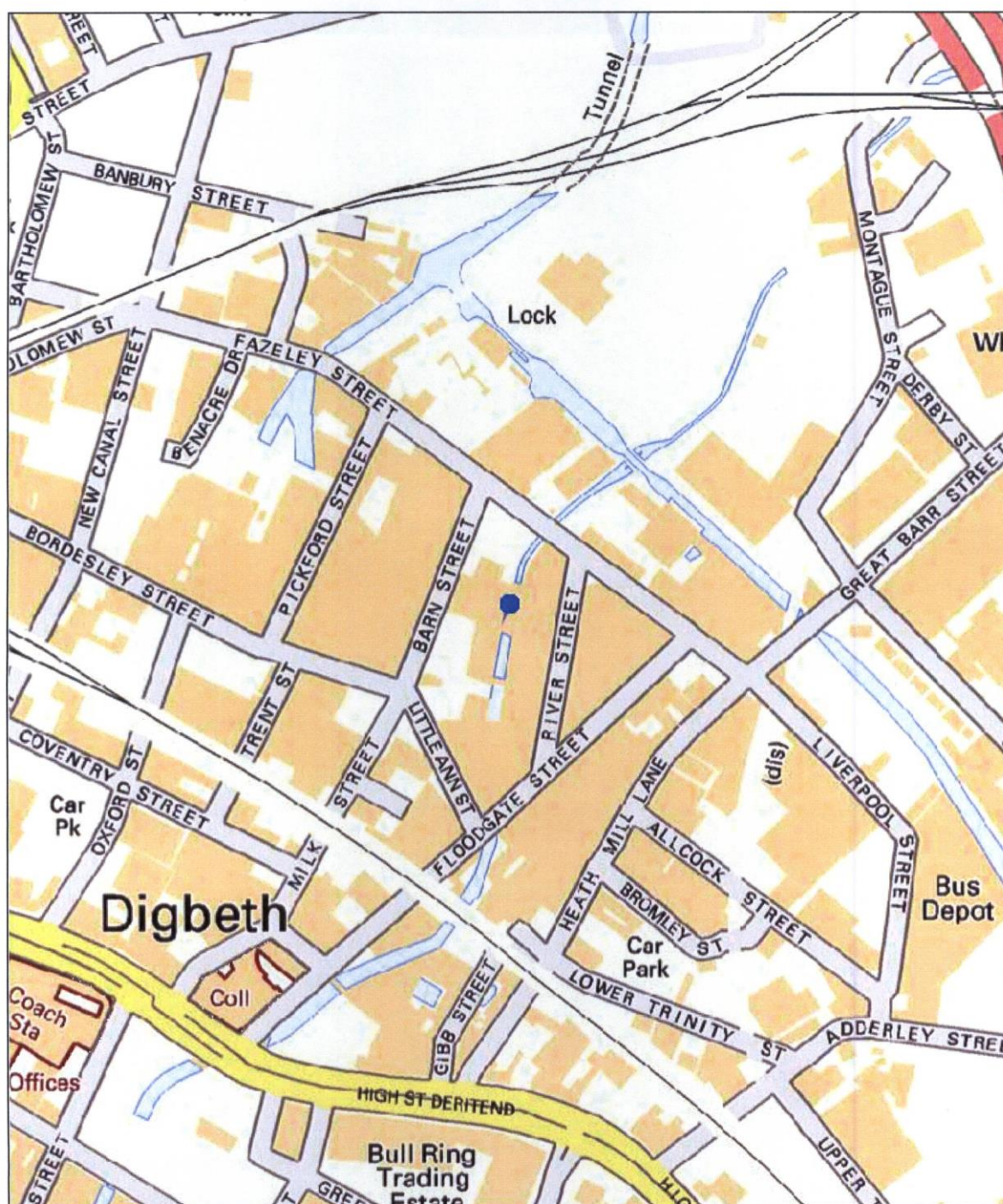
Both parties have agreed these conditions and West Midlands Police Licensing will notify the Council's Licensing Authority that they are withdrawing any representation to the application.

Signed by.

**PC D Walker
Police Licensing Team**

**R V Edge
Agent for the applicant**

Thursday 6 December 2018



Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 08/01/2019



Scale:
1:4,000

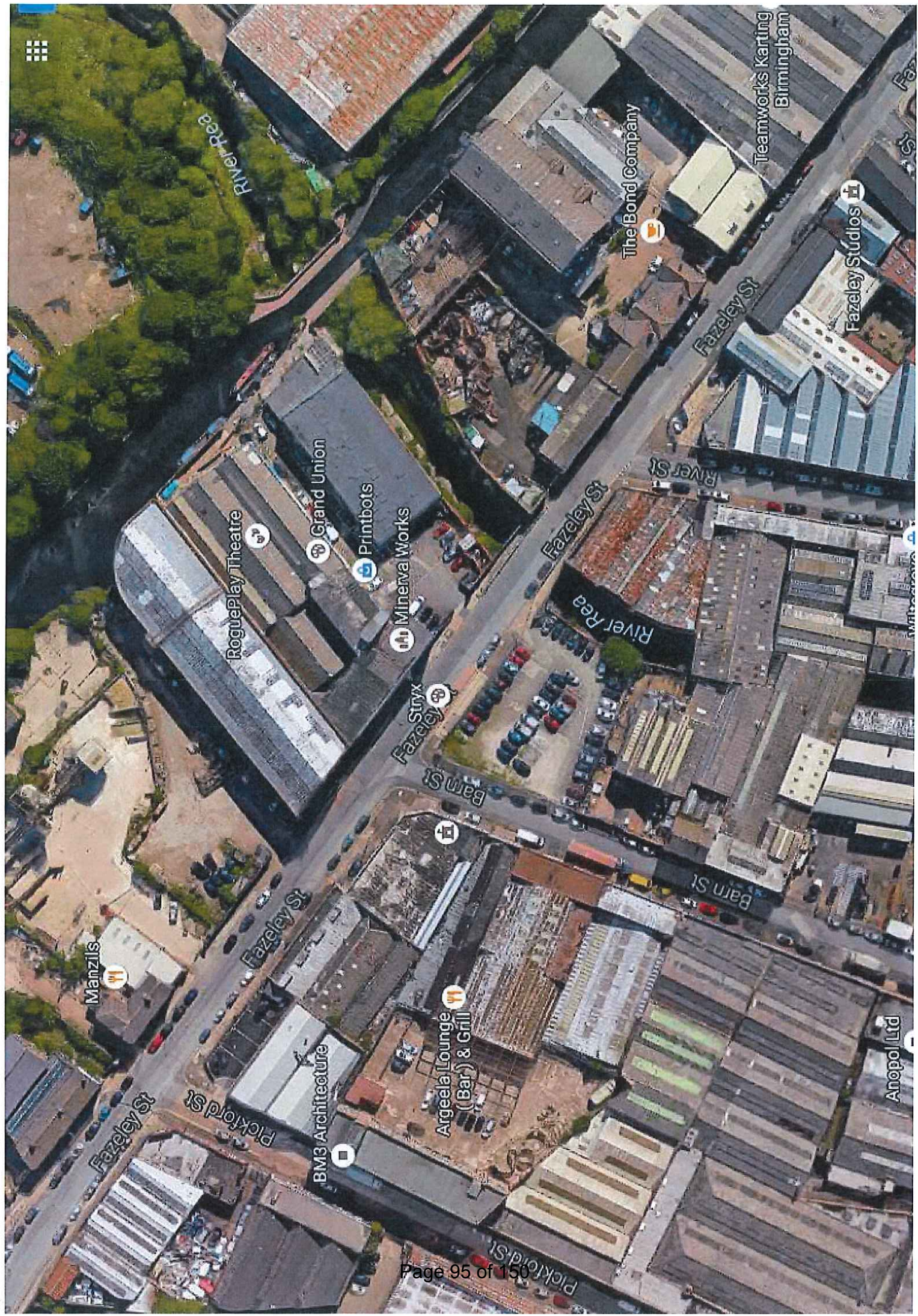
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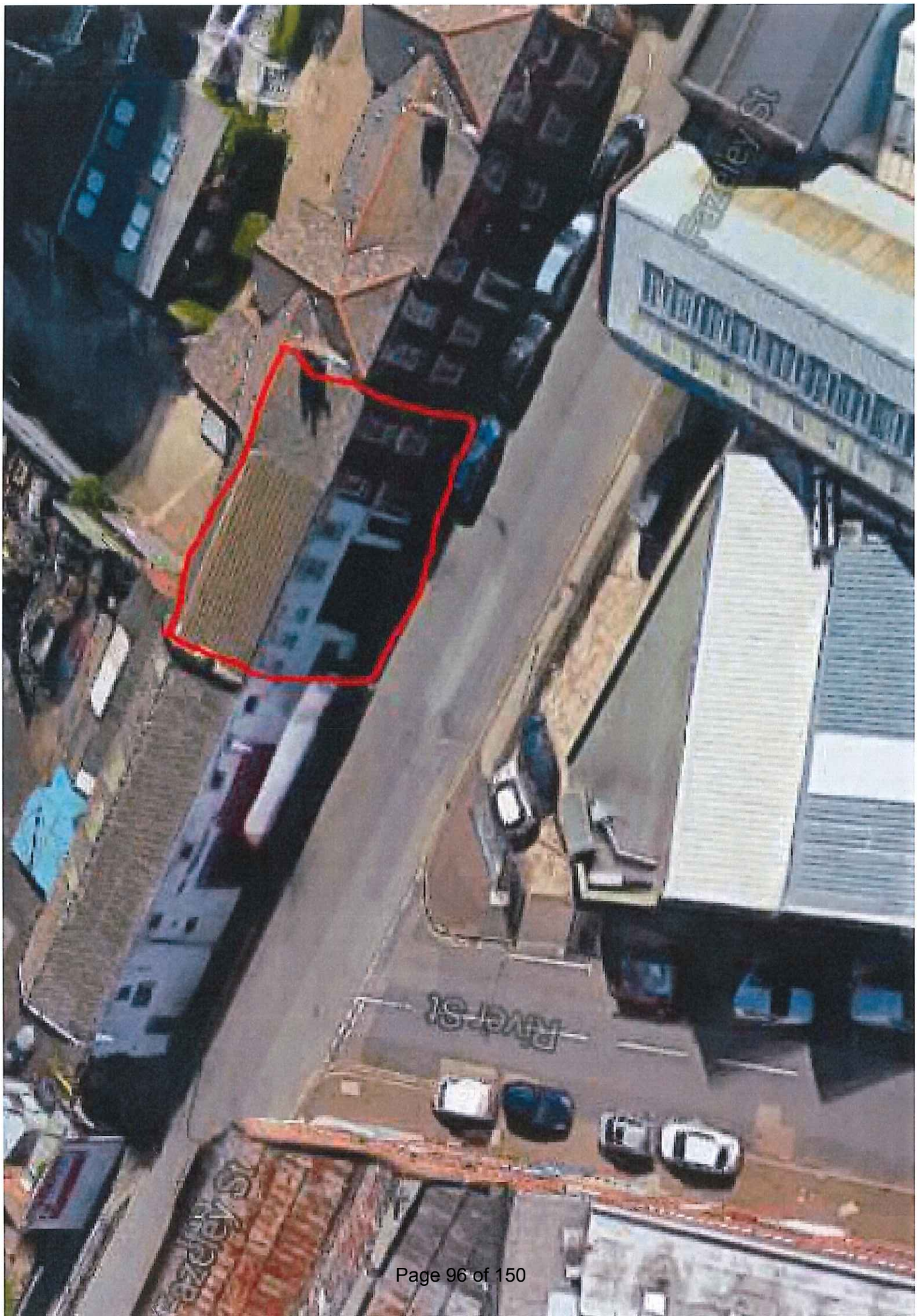


Date of Map Creation: 08/01/2019

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Core Noise Management Strategy

30 – 34 River Street
Digbeth
Birmingham
B5 5SA

Review Date: January 2020

Joynes Nash

Acoustics · Environmental · Public Health



Client Experimental

Date: 16th January 2019

Author: Simon Joynes

Status: Draft for Consultation

Version: 1.2

Signature:



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The opinions and interpretations presented in this report represent our reasonable technical interpretation of the data made available to us. However, due to the uncertainty inherent in the estimation of all parameters, we cannot, and do not guarantee the accuracy or correctness of any interpretation and we shall not, except in the case of gross or wilful negligence on our part, be liable or responsible for any loss, cost damages or expenses incurred or sustained by anyone resulting from any interpretation made by any of our officers, agents or employees. Joynes Nash accepts no responsibility for data provided by others.

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www.joynes-nash.co.uk

Simon Joynes

Pete Nash

Office

4 New Road, Clifton,
Bedfordshire, SG17 5JH

Company Number:

9422341

VAT Registration No:

204 752234



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1. Purpose of the Noise Management Strategy

Joynes Nash has been commissioned to prepare a core strategy to consider the management and control of noise from the proposed multi-use venue at River Street, Digbeth, Birmingham.

Those responsible are committed to the proactive management of noise and the purpose of this document is to identify and implement procedures which will minimise disturbance of residents and other noise sensitive receptors, from the diverse range of events which are envisaged.

This strategy should be considered to be a “live document” which will evolve as the site becomes active, achieves the relevant permissions and the operational requirements become clearer etc. However, the core nature of the document means that it will be supplemented by specific guidance albeit in its infancy it looks to provide an outline of the considerations and provide an overview of the monitoring, mitigation and review mechanisms which are to be adopted.

Therefore, this strategy will continue to evolve, in consultation with the relevant regulatory authorities with whom those responsible, wish to acknowledge are key to the success of the venue and in maintaining compliance with the relevant licensing objectives in the longer term.

2. Introduction to 30-34 River Street, Digbeth, Birmingham

River Street provides an exciting opportunity. It is envisaged as an experimental venue which can be used to curate a vibrant spectrum of diverse, cultural events and experiences, while offering producers, agencies and brands a set of unique, flexible and inspiring spaces. These types of spaces are suited to art exhibitions, street markets, experimental product launches, promotional events, food and beverage markets and the potential for a range of music led events.

With regard to the latter, it is stressed that reference to music led events relates to a wide range of possibilities of all size and scale from ambient music provided for street markets, through to weddings and the possibility of larger music events. It is accepted whilst some will be feasible in the current structure, it is known that those events which may create greater potential may be limited in some way. That may be through timing, size, scale, frequency or the need for improvements both in terms of both the management and structure of the venue.

In fact, the proposals are not dissimilar to other facilities provided both locally (The Bond, Engine Room, Digbeth Craft Brewery) and nationally (The Printworks & Tobacco Dock in London and The Tetley, Canal Mills and Globe Road in Leeds), all of which operate successfully in urban areas with multiple receptors and challenges.

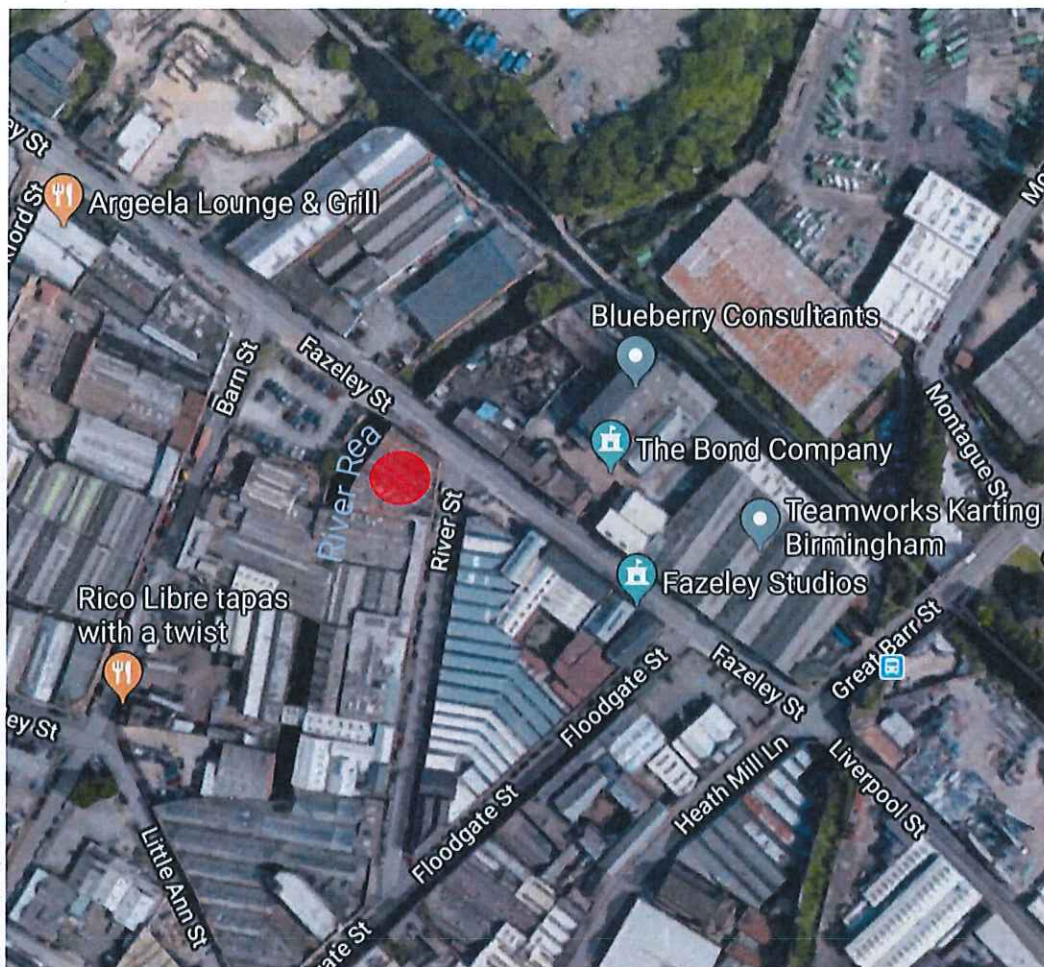


Figure 2.1 – Plan of River Street, Digbeth, Birmingham.

3. Local Environment

The local environment whilst predominantly industrial does have a mix of commercial and residential land uses, all of which present varying receptors which need to be protected.

In fact, of relevance is the number of similar multiuse establishments in the locality. These range from Breweries, through to traditional licensed premises, wedding venues, multi-use venues and to licences granted for pavements such as at Floodgate Street. A review of the readily available information shows that these have a range of controls or conditions on the relevant licences (if any) and allow for music until the early hours (See Appendix C). It is clear therefore that the area is characterised by a range of event premises and such are not atypical in the local context.

With regard to the most sensitive receptors, these are considered to be residential dwellings with the closest unit located at Flat P4, the Bond, 178 Fazeley Street, Birmingham, B5 5SE. Whilst residential, this is a guardian arrangement for insurance purposes for the existing multiuse venue at that location and to some extent will be exposed to noise and disturbance from the events there. Positive dialogue remains ongoing with the operators of this business in this regard.

Thereafter other typical receptors are understood to be at Floodgate Street, some 80m away but with no direct line of sight as substantial commercial buildings form a barrier. Thereafter there are residential properties in Glover Street again protected by substantial industrial units.

An examination of other licenses (for the outdoor licensed area in floodgate street) indicates that Glover Street is a known receptor for the purposes of monitoring. The license also requests that monitoring is undertaken at Fazeley Street, Glover Street, Bordesley Village, Coventry Street and Abacus Building. Approximate receptor positions are identified on the following map.

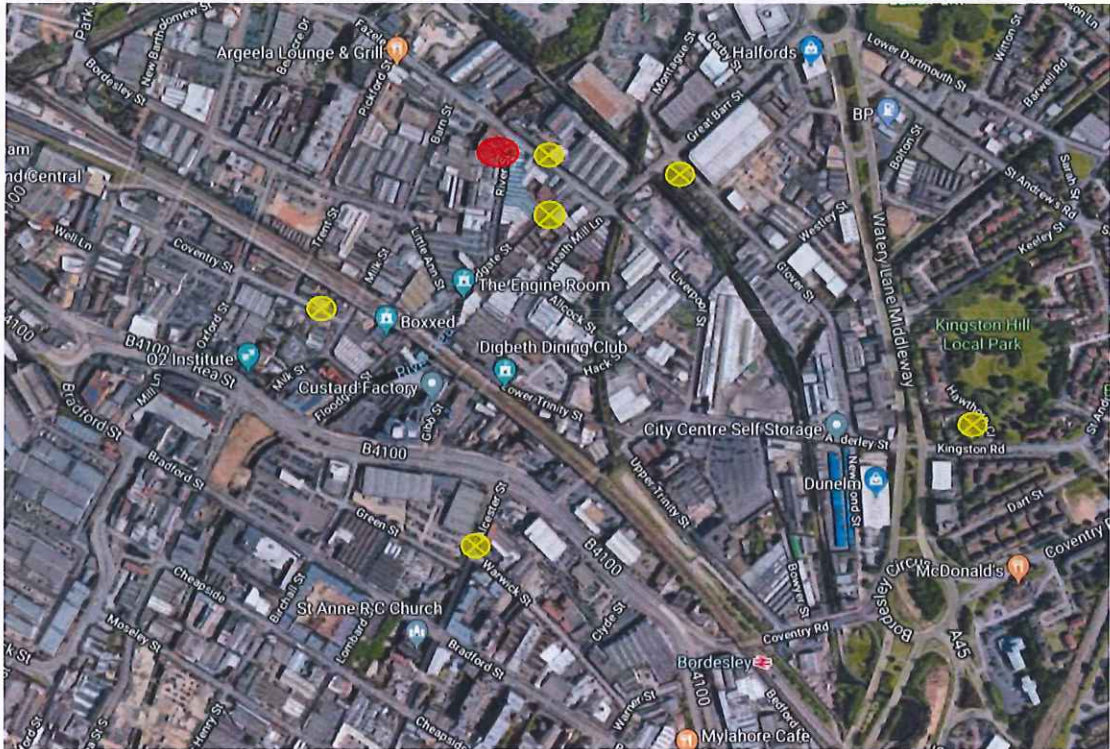


Figure 3.1 Map of Identified Receptor Positions

It is also noted that the profile of sensitive receptors is dynamic and likely to become more restrictive over time as new development is completed. Control strategies will therefore remain dynamic through the review and implementation of the strategy. However, it is expected that any new development granted planning permission following the granting of any permission for River Street shall be protected from noise.

4. History of River Street, Digbeth

The property has a chequered history, and this is acknowledged by the owners. Indeed, the use of the premises is now been brought back under the direct control of the owners and they now take full responsibility for the activities within the venue, rather than placing such on third parties.

There is also evident a complete change and emphasis on appointing the correct technical advisors to assist in bringing forward the venue.

Retrospective planning consent for change to a similar use was sought in 2015 and whilst refused by the Council, the emphasis at that time on 24hr opening is no longer applicable. Indeed, the current permissions being sought are to bring the venue into line with neighbouring venues.

It is also acknowledged that the structure is acoustically poor, but that these limitations will be addressed through a targeted and implemented approach to control noise, firstly by limiting the type of events that may take place until such time it is proven that more substantial events could take place in accordance with the relevant guidance available. It is worth noting on the latter that both Guidance on Pubs and Clubs and Music Festivals is under review currently.

5. Viability of Event Spaces

In terms of events, the site comprises of a number of internal spaces, albeit whilst some are of substantial construction, they do offer varying degrees of sound attenuation.

There are obvious weaknesses, consisting of entry and exit points (roller shutter doors, etc.), albeit the layout and orientation of the different event spaces allows various options in terms of noise and crowd management, therefore reducing the need to always break the integrity of the structure during use.

In terms of the suitability of the internal premises, it is intended that the viability of spaces will be determined through the conducting of appropriate noise breakout tests and limits set accordingly, with relevant events been restricted until any necessary works have been completed.

Inevitably the effectiveness of the building's performance will also become clearer during the initial months of use and it is proposed that increased monitoring will be conducted during such times. This will enhance the understanding of the level of attenuation provided by the venues and allow further consideration of the types and genres of events which may be performed.

6. Pertinent Entertainment Noise Criteria

The license whilst specifying many controls in terms of noise does not prescribe any applicable limits. It is therefore appropriate to look at the relevant guidance available for such premises.

Guidance for this type of venue may be taken from various documents as follows.

Noise Council Code of Practice (Pop Code)

The Code of Practice for the Control of Environmental Noise from Concerts is the established guidance with respect to music events. The recommended noise limits for the venue contained within the Code for events held between the hours of 09.00 and 23.00hrs are summarised in the following table:

Concert Days Per Calendar Year, per venue	Venue Category	Guideline
1-3	Urban and Rural Venues	The Music Noise Level should not exceed 65dB(A) over a 15 minute period.
4-12	All Venues	The Music Noise Level should not exceed the background noise level by more than 15dB(A) over a 15 minute period.

Whilst it is not envisaged that events will proceed beyond 23.00hrs at this stage, it is worthwhile noting that for such events, music noise should not be audible within noise sensitive premises. This is deemed at this venue an acceptable criterion to apply to any events, whether they be held internally or externally beyond 23.00hrs (without explicit written approval of the local authority) Interpretation of this is that providing music noise is controlled so that it is barely audible externally, it will generally be inaudible within residential premises with windows open.

For indoor venues used for up to 30 events per calendar year, the music noise level should not exceed the background noise by more than 5dB(A) over a fifteen-minute period for events finishing no later than 23.00hrs.

It is in fact unknown how many events are likely to take place within the venue, but it is likely to be less than 30 events where music noise is audible at relevant receptor positions. Likewise not every event will have music and many events may finish earlier than 23.00hrs.

The Licensing Act 2003

The Act introduced a single integrated system for regulating the sale by retail of alcohol, the supply of alcohol in a club, the provision of entertainment and late-night refreshment. The provision of regulated entertainment to the public is relevant in terms of noise and in doing so those responsible must carry out their functions with the view to promoting the prevention of public nuisance. being relevant in this instance.

In discharging its functions Local Authorities may place conditions on Licences, providing they are necessary and appropriate. The guidance is clear in its advice that it is essential to maintain a balance between the licence holder and the viability of the event and the needs of the local community. It is generally accepted that properties in the vicinity of large scale events will be able to hear sound from time to time.

Good Practice Guide for the Assessment and Control of Noise from Places of Entertainment.

This guidance is currently subject to review and stakeholder engagement and it looks to introduce new standards and metrics for the control of noise from such establishments. Given its current status any new guidance will be considered moving forward.

In Conclusion

Overall the approaches set out above are designed to balance the potential disturbance in the local community against the enjoyable experience of the audience and may be adjusted subject to agreement of all parties in the light of any experience gained.

It is therefore suggested that such flexibility is reflected in the consideration of the premise by the Local Authority, and that this strategy provides the appropriate mechanism through which can be provided, reviewed and approval sought in a managed way moving forward.

7. Definition of Inaudibility

In terms of inaudibility we refer to the subjective assessment guidance taken from the Institute of Acoustics Guidance. This is where noise is at a sufficiently low level such that it is not recognisable as emanating from the source in question and it does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question. The strict dictionary definition of being 'unable to be heard' is not appropriate in this instance.

It is also worth noting that the use of such 'inaudibility' criteria has been debated for some time and there are arguments raised for and against the use of such. Inaudibility is not necessarily an objective test and there are variabilities in tolerance / interpretation which are inevitable. These may include an individual's level of hearing, background noise, weather conditions and lifestyle etc. One of the biggest difficulties for the operators of the venue remains that they have no access to residences to observe impact. However, should any residences contact the venue to enquire of noise or make a complaint, they are offered the opportunity for consultants at an appropriate time to attend their property during an event to observe the noise and make any necessary improvements. Thus enabling a clear understanding of any noise impact both occurring within properties and especially useful for high rise where characteristics may differ to ground level.

8. Approach to typical events

This approach intended to be adopted for the venue at this time follows guidance within the Code of Practice for Noise from Concerts, which recommends for indoor venues used for up to about 30 events per year, a Music Noise Level not exceeding the background noise by more than $5\text{dBA}_{(15\text{min})}$ is appropriate. The following restrictions are therefore considered appropriate (numerical values subject to determination by further assessment).

Noise from amplified music and speech, as measured in a free field position representative of noise sensitive premises shall not exceed (x) $\text{dB L}_{\text{Aeq}} (15\text{min})$ between the hours of 09.00 and 23.00hrs, unless otherwise agreed in writing by the Local Authority.

Where the premises are proposed to operate at any time between 2300 and 0700, noise from amplified music and speech at all times of operation, shall not cause any increase in the $\text{L}_{\text{A90}(5\text{min})}$ when compared with the existing equivalent $\text{L}_{\text{A90}(5\text{min})}$ without the premises in operation.

Such restrictions will limit noise to acceptable levels and provide a mechanism for flexibility and prevent any music noise from being audible after 23.00hrs. It must be noted that many of the proposed events which take place will not contain significant noise and therefore will be inaudible.

9. Approach to atypical Events.

Like for many other similar venues both nationally and in the locality, there remains the opportunity for atypical events to be considered (i.e. significant music events). For such events additional arrangements will be put in place including consideration of shorter event durations, the frequency of such, increased monitoring and provision of information to receptors. Any limits will be set in agreement with the regulatory authorities in advance, an approach which is similar to that seen elsewhere in the locality. Such matters will form ongoing discussion with the LA.

10. Noise Management Process

In using the venue for a wide variety of events, the challenge has been to provide a robust and flexible way to manage noise both proactively and cost effectively. The approach is used and proven to be effective is to categorise potential events based on the likelihood of disturbance.

Noise Impact Categorisation		Example Events
Category 1 High Risk of Noise Impact		Events where live or recorded music is a major component Cinemas Food Festivals (where music is not incidental) Parties after 18.00hrs Music Events after 18.00hrs
Category 2 Medium Risk of Noise Impact		Promotions involving an element of music up to 18.00hrs Exhibitions Product Launches (music element) Food Festivals (low key music element)
Category 3 Low Risk of Noise Impact		Trade Shows Fashion Shows Farmers Markets Community Engagement Events Sporting Activities Product Launches (no music element or incidental music) Conferences Formal Dinners Awards Ceremonies

Table 2: Indicative list of categorised events

The categorisation is awarded to each planned event as a result of an initial review by those responsible for the venue. On the basis of the categorisation those responsible carry out varying degrees of assessment work in preparation for noise control associated with the event. The generic requirements for each category are set out below:

Category 1 Events – For such events a specialist noise contractor will be in attendance to offer advice and support. The consultant will remain in attendance throughout the duration of the event and maintain overall control. It must be noted that for some repeat events it may subsequently be determined that consultants may not be required as despite the clarification there is no impact.

Category 2 Events – refer to those events where there is a limited risk of impact at receptors and for the most part it is expected that music noise shall not exceed the ambient background when observed from residential and other noise sensitive premises. It is not expected that technical specialist will need to be in attendance, but it is largely expected that checks will be conducted throughout the event for due diligence purposes.

Category 3 Events – are considered low impact and not requiring any form of noise management. Due diligence checks by those responsible are encouraged and for the most part the requirement is to simply comply with the Specific Noise Management Plan detailed in Appendix D.

Those responsible make the ultimate decision, as to whether the nature of the event is likely to be critical in terms of noise impact and/or whether there is overriding risk factors which require that the event is monitored for due diligence purposes.

In all cases events will need to comply with the Specific Noise Management Plan detailed in Appendix D, which is circulated to all users and contractors at the venue.

11. Background Noise Survey

A background noise survey was carried out as part of an earlier planning application albeit given the time which has now elapsed it is intended that this will be repeated in due course should the applicant be successful in gaining the necessary permissions. However, the measured levels from 2015 indicate that such levels range from 46dB_{LA90} to 48dB_{LA90} during the operating period.

12. Complaints Management

Whilst the strategies shown in this document are aimed at minimising impact, venues of this nature with multiple events are from time to time expected to receive complaints. The key source of concern amongst receptors is typically who to contact, the various roles and responsibilities and the response time to complaints. Therefore, a phone number and email address will be made available for the venue once it becomes operational.

Indeed, the management commits to continually inform the local community about its proposals, through appropriate contact information in the form of emails, newsletters and community days.

This work will form an integral part of the community engagement and may include the following methods:

- Targeted regular mailshots to residents
- Provision of information (posters)
- Use of Social Media to engage with resident's groups
- The appointment of staff in a community liaison role
- Community open days / accompanied visits etc
- The sharing of the appointed noise consultant's details

In the absence of any such provision on a website all residents are notified of Category 1 Events. This has been successful in controlling impact on residents to date.

Any information and comments received are logged on a database.

13. Installation of a Noise Limiter

It is known that locally there is a preference for the installation of a noise limiter. Whilst such will be considered, it must be noted that not only is this inherently difficult in a multiple room venue, we also advise caution in the use of such at this stage. Such systems have an optimum operating window and until noise propagation tests have been conducted their suitability cannot be guaranteed, neither will the various venues lend themselves to a single limiter installation and indeed for more significant music events they will fail to control low frequency impacts.

Limiters are problematic and are not suited to all events, music genre. Some of the traditional weaknesses are that they don't consider low frequency noise, can trip power as a result of crowd cheering without there been any impact at residents from music etc.

What is therefore proposed is that during the inaugural events a series of tests will be conducted to look at the feasibility of using a limiter, what events they may be applicable to and how any installation may work in practice. Options do exist such as visual displays that make the management team aware of potential issues, but in this instance, there is a preference for the management to survey the local area during all events (including those that are low to medium risk and are not likely to impact at receptors). Likewise, for the high-risk events it is proposed that consultants will be in attendance and act as the specialist in controlling any impact. It is envisaged that our attendance will be greater during initial stages of the venue being brought into operation in order to refine that risk assessment. In taking this approach there is a much greater control and crucially a greater understanding of how the venue performs for the management team.

14. Noise Monitoring Procedure

Throughout events where monitoring is identified as necessary, competent persons will remain responsible for proactively monitoring noise. This will be done through conducting subjective / objective measurements at predetermined locations both internally and externally of the venue.

Such positions are proposed to be at those receptor positions identified previously, but this will be dependent on final site layout, findings of sound checks, weather etc.

Typically, we'd expect objective measurements to be conducted over a 15-minute period, albeit shorter measurement periods may be undertaken to determine compliance in line with the code of practice (i.e. it is typical that 5 minute measurements give a good indication of compliance over 15 minutes). All measurements will be recorded and be available for inspection at any time by the local Authority during any event.

No fixed monitoring positions are considered necessary at this stage, albeit for specific events continuous source noise measurements will be undertaken to complement off-site monitoring.

For events where the attendance of professional acoustic consultants is not deemed necessary then checks will be conducted by The Venue Management Team. These will depend on the nature of the event and consist of check internally around the boundary at least once every hour. Should these observations note any form of impact then additional checks will be conducted externally of the venue as appropriate. These are expected to be at least once every hour or in response to a change in the nature of the music being generated during any event.

15. Specific Noise Management Plan

A specific noise management plan (preliminary) has been prepared for the venue, the principles of which are adhered to throughout the operation of the venue. This is presented as a standalone document (Appendix A), the succinct nature of such providing a quick accessible guide.

All staff involved in the control of noise, as well as the venue sound engineers have read the NMP and signed records are kept. Hirer agreements are also signed by them using the venue.

16. Record Management and Reporting

Those responsible will undertake to manage records to enable it to be reported in a timely manner to relevant bodies and authorities. The objectives of the reporting are to:

- Provide Stakeholders with timely updates on the results of noise monitoring
- Provide details of the incidence and duration of any noise exceedances
- Detail any actions that were taken
- Provide details of complaints received
- Provide information to inform the review of the effectiveness of the NMP.

17. Strategy Review Procedure

In order to ensure that the strategy continues to fulfil its aims and objectives it will be reviewed and updated regularly. In its simplest sense this will be a continual exercise after each event, where a debrief will take place with those responsible.

A formal review and report will be conducted at least annually for the venue. This will include an assessment of compliance of noise and time limits, review of complaints data and any community or regulatory feedback. The results of which will be made available to the various stakeholders as deemed necessary.

18. Proposed Approach to Noise Control

Proposed Approach to Noise Control from the Venue

Stage 1	Preparation of Core Noise Management Strategy	Completed January 2019
Stage 2	Seeking and Granting of Relevant Licensing and Planning Permissions	
Stage 3	Background Noise Assessments undertaken to provide a greater understanding of the permissible levels and seeking agreement from the local Authority on permitted levels	
Stage 4	Venue to engage with the local community and receptors, outline the intended use of the venue and provide a means of engagement with the venue (email and telephone number etc)	
Stage 5	Venue looks to put together a series of small-scale trial events, notified to the Local Authority in advance	
Stage 6	Trial events take place, with relevant technical professionals in attendance to monitor and manage the various risks (noise / crowd management etc).	
Stage 7	Within 3 months of initial event control strategies to be reviewed and circulated to relevant authorities along with observation reports and any recommendations from the event.	
Stage 8	Continued review of operational practices and engagement with community and regulatory authorities.	

19. Conclusion

The implementation of this Core Noise Management Strategy will be a pragmatic way of bringing the venue to life. It will also provide a robust but flexible way to manage noise and proactively prevent public nuisance being caused and it is hoped that the Local Authority will agree to this approach.

It looks to deliver continual improvement from specific tests and evidence gained and the approach is believed to deliver greater commitment than is seen for similar venues in the locality which operate with limited conditions. It also looks to proactively engage with the community and relevant responsible authorities.

Any events will be under the direct control of the owners and technical advisors and any third-party hirer will be contractually obliged to observe and implement any instruction.

This document is a 'working document' that will be updated as required and reviewed with input from the regulatory authorities. It is the intention of our client to thereafter implement improved procedures event by event for the control and management of noise.

Appendix A – Specific Noise Management Plan

River Street

Specific Noise Management Plan

V1.1 January 2019

Review Date: January 2020 (unless otherwise agreed)

Each event proposed within the River Street Venue will be assessed on a case by case basis and will be subject to meeting compliance with the agreed noise limits. Each type of event will be dependent on the start and finish times but at all times the following good practice measures should be followed.

General Restrictions

	Operating Hours (Where audible at residential)	Specific Controls
Use of Outdoor Areas for drinking	Not Applicable	Not Applicable
Temporary Plant Generators / Lighting Towers	07.00 to 23.00hrs	At all times positioned so as not to cause a disturbance to residential neighbours
Queuing for Venue	07.00 to 21.00hrs (where practicable)	Preference is for internal queuing system which will be possible for the large majority of events. Outside of the permitted hours internally / or controlled
External Mobile Plant Vehicles, Telehandlers, Lifts	07.00 to 23.00hrs	At all times operated so as not to cause a disturbance to residential neighbours
People / Crowd Noise (Entry and exit from venue)	N/A	Appropriate marshalling to be conducted during the event to minimise impact on residents.
Public Address Systems (external) <small>Note: distribution system, used to allow a person to address a large public grouping, for example for announcements rather than music</small>	07.00 to 21.00hrs	PA systems should be kept to a minimum and ideally only in emergency situations.
External Rigging, Set Building Activities	07.00 to 21.00hrs	On limited occasions such as on to the front of the venue
Deliveries and Vehicle Movements	07.00 to 22.00hrs	Vehicle movements to permit derig, set construction etc. to be permitted where such activities are to take place internally. Otherwise no loading or vehicle movements are permitted outside of these hours
External Waste Collection	07.00hrs to 21.00hrs (08.00hrs weekends & Bank Holidays)	Specified waste collection area. No use of compactors outside of these times
Bottle Emptying	07.00hrs to 21.00hrs (08.00hrs weekends & Bank Holidays)	Specified waste collection area
Smoking Provision	n/a	Specified smoking area

Sound Amplification Equipment

Audio hire companies providing audio equipment for any event shall observe the following:

- Any sound amplification equipment used at any times will be installed in such a way as to minimise the noise impact on residential premises or sensitive receptors.
- The sound amplification equipment will be maintained in a proper and efficient condition so as to minimise the noise impact on residential premises or sensitive receptors.
- The sound amplification equipment will be operated in such a proper and efficient manner so as to minimise the noise impact on residential or sensitive receptors.

Noise Limits and Restrictions

Unless otherwise agreed with the management the following restrictions apply. A combination of subjective and measured noise observations can be undertaken to determine compliance.

Venue	External Restrictions	Internal Restrictions L_{Aeq} (15 min)	Internal Restrictions Low Frequency Content 1/3 octaves
TBC	Inaudible Internally at Receptors – defined as just audible outside of the noise sensitive premises.	TBC following survey	Below 40Hz 90dB L_{Zeq} (15 min) 40Hz 110dB L_{Zeq} (15 min) 50Hz 115dB L_{Zeq} (15 min) 63Hz 115dB L_{Zeq} (15 min)
	(x)dB L_{Aeq} ,15min	To be agreed following survey	

Notes: Limits apply to the period 19.00 to 23.00hrs. Limit before such time subject to background.
Limit may be increased prior to 19.00 due to expected increase in background noise.

Note: After 23.00hrs any music noise shall be inaudible at all times inside residential premises

An alternative approach is provided in the Noise Management Strategy for the Venue which may be considered for events with prior written agreement of the venue management team (the atypical events). Likewise, where multiple events or multiple stages are programmed any cumulative impact needs to be controlled within the limits set out above. This may involve the adoption of additional mitigation works for example or simply lowering the limits on each sound source.

Noise Monitoring

Compliance will be achieved with the target noise limits at all times. During all events, subjective observations / measurements shall be carried out at least once per hour along the nearest sensitive facades or boundary of the venue (whichever is appropriate). This is to provide a check that all measures are in place and that those responsible are working to prevent public nuisance being caused. Immediate action will be taken to reduce levels should any issues arise.

Monitoring templates have been provided to the venue. (See Appendix B)

Staff Training

Staff, specifically those at events in charge of sound equipment shall be fully briefed in the contents of the NMP and the need to ensure that noise is kept within acceptable parameters.

Complaints Management

A telephone complaints line will be available for the duration of the event. Should any noise complaints be received, a responsible and competent person will investigate the complaint and if noise levels are deemed unacceptable, immediate action will be taken to reduce the levels of the noise source.

A complaints log will be maintained throughout the event, detailing addresses of complaints, times and actions. Such will also be available to the Local Authority on request along with details of actions.

Spread of Events Throughout the Year

All stakeholders for the venue will seek to co-ordinate major events in as practical manner as possible to minimise noise and disturbance.

People / Crowd Noise

Whilst there is no formal mechanism for evaluating or controlling crowd noise, consideration will be given to minimising such as critical points such as arrival and dispersal at the event.

It is expected that for most events it will be feasible to conduct queuing internal of the venue and this will control noise. If this cannot be done, then the Disney method is to be employed. This will allow for the queuing to take place in a controlled manor, monitored and it is a well proven method to reduce disorder as it is in a controlled fashion. It must also be noted that any such queues are likely to take place in the earlier part of the evening when the background levels are higher.

Where the nature of the function, the number of people attending and the opening and closing time of the function make it appropriate, marshals will marshal and monitor the entrance and egress from the premises including the behaviour of those within the vicinity of the premises. This will help achieve orderly arrival and departure of persons and will reduce the risk of nuisance occurring.

The marshalling of persons arriving at the premises will seek to reduce so far as reasonably practicable, persons queuing outside the premises or in a location likely to disturb residents.

Likewise, appropriate mechanisms to stagger arrival and departure, temporary screening, marshalling and signage etc. will be considered for each event.

Car/Coach Parking

Persons who are travelling to or from the premises will be advised in advance that parking is limited in order to reduce the pressure on on-street parking.

Minicabs and Taxis

Preferred minicab companies shall be made available and publicised to encourage people to leave the premises promptly. Such companies (where practicable) should be informed of appropriate set down and pick up points and appropriate marshalling provided during events to ensure that such does not have a detrimental impact on residents. All such facilities should away from residential properties to discourage people from the public highway.

Deliveries and other Vehicle Movements

Noise from vehicles can be a constant source of noise both on the site and in the surrounding neighbourhood. Careful consideration should be given to vehicle routing, times of operation and deliveries and the need for vehicles to use reversing alarms or refrigerated plant etc. Restrictions are in place which include limiting the time and providing in advance preferred routes and instructions.

Bottles used in the premises will not be disposed of late at night or early in the morning, as such disposal can produce high noise levels and be a source of public nuisance.

Smoking Area / External Areas

The designated smoking areas (TBC) shall be used unless agreed with venue management. With regard to the such areas, there are multiple methods which will be considered based on experience should issues arise the venue becomes operational. These include:

- defining an area or size of area for such purposes
- limiting the number of people allowed to access the area and therefore the volume of noise
- limiting the taking of drinks outside preventing people congregating and spending more time than necessary
- limiting the number of people in the defined area at any one time
- the use something like echo barrier on Heras fencing to reduce the propagation of noise.

Acknowledgement by Hirer / Tenant	
Name	
Date	

Signature	

Appendix B – Noise Monitoring Proformas

Noise Observation Reporting

Date:	
Name of Event:	
Event Duration:	
Event Description:	(Number of Arenas, Audience Size, Sound System used and Orientation etc)

Details of Observations Undertaken

MONITORING LOCATION	TIME	SUBJECTIVE ASSESMENT / MEASUREMENTS	REMEDIAL ACTIONS REQUIRED / TAKEN
Example - New Street, Eccles	00.10 - 00.15	Noise from event largely inaudible within external to No.11. Very occasional and low bass beat detectable between lulls in traffic noise, not detectable in vehicle and unlikely to be audible within residential units.	No action taken / action taken to reduce low frequency to minimise any potential impact as levels at source can accommodate such reductions.

[illegible]

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Complaints Received

COMPLAINT ADDRESS	TIME	NATURE OF COMPLAINT	SUBJECTIVE ASSESMENT / MEASUREMENT	TIME OF VISIT	REMEDIAL ACTIONS REQUIRED / TAKEN
Example - New Street, Eccles	00.10 - 00.15	What are they hearing, when and how effecting property? Is this regular and how long been happening			No action taken / action taken to reduce low frequency to minimise any potential impact as levels at source can accommodate such reductions.

Appendix C – Summary of Similar Uses in the Locality

Digbeth Craft Brewery, 43 River Street, Digbeth, Birmingham, B5 5SA. Events advertised on social media including alcohol tasting, wine, DJ and dancing until late. The license was issued on the 15th August 2018 and provides for recorded music between 09.00 and 00.00 (Mon Wednesday) and 09.00 to 00.30 (Thursday to Sunday) with similar operating hours. In terms of conditions these relate to appropriate signage at exits, music shall be restricted to that played or performed during group visits will be of a nature usually expected in a restaurant type environment and not high volumes associated with a night club (note it is specific to group visits but not general admission). There are also restrictions on deliveries and a requirement for contact details for operators to be displayed at the premises.

The Ruin, 92 Floodgate Street, River Street, Digbeth, Birmingham B5 5SR. Advertising indicates this is a typical licensed premise which holds live music in for form of DJ's until 00.00hrs each Saturday and open mic nights on the first Thursday of the month. Issued on the 15th April 2013 the license permits live and recorded music up until 01.00hrs and contains no conditions with respect to prevention of Public Nuisance other than restricting such activities to indoors only.

Floodgate Street (Part of Road and Pavement outside of 104-105 Floodgate Street and extending to junction of Little Ann Street, Digbeth, Birmingham, BS6SR. This license permits multiple activities including live and recorded music externally within the pavement until 00.00hrs. There is a restriction on the number of events to 6 with further requirement that they should be occasional and usually as and when concerts or similar events are taking place in industry. Gives power to SAG to impose conditions. There is also a condition requiring the queue outside the premises for nuisance. Any events shall be inaudible inside the nearest noise sensitive or residential premises. There is also a requirement after a hearing to notify Environmental Protection of events, provision of a hotline number, leafletting of residents. Finally there is a requirement for acoustic consultants to monitor at Glover Street / Fazeley Street, Bordesley Village, Coventry Street and Abacus Building.

Engine Room, 25C Floodgate Street, Digbeth – advertised as a multispace venue with music. License issued on the 14th March 2018 with allowance for recorded and live music until 02.00hrs. Whilst restricted to private events there are no conditions applicable to noise and disturbance.

Boxed Social, 104 – 108 Floodgate Street, Birmingham. Bar Restaurant with live and recorded music permitted until 01.00hrs (03.00hrs on Saturday and Sunday). Entertainment restricted to internal only with a condition requiring that it shall not cause a public nuisance, the provision of notices on exits. In terms of low frequency at any noise sensitive premises, the level of noise from the entertainment premises shall be at least 10dB less than the background in octave bands from 63Hz to 4Khz. The LAMax due to customer noise on the premises shall not exceed the background noise level in the absence of entertainment noise. The premises shall submit for approval a noise management plan and all doors and windows shall be kept closed.

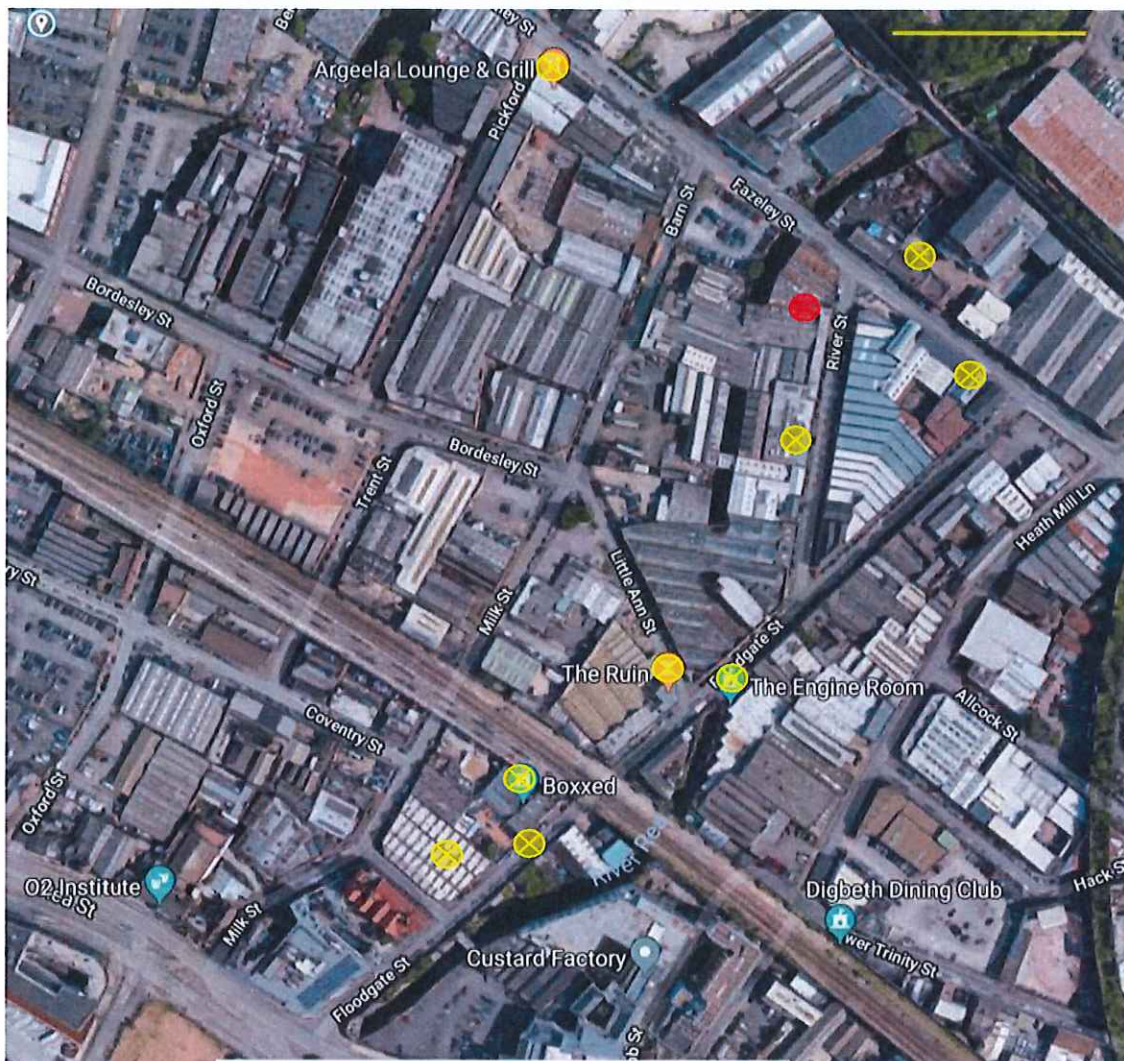
119, Floodgate Street, Digbeth – live and recorded music to 02.00hrs and provision on the occasion of a major event (maximum of 4 per year) to run from 10.00 to 07.00hrs. Restricted to indoors only, that windows and doors to be kept shut, respond to reasonable requests of the LA at all times, that noise shall not unreasonably disturb persons in the neighbourhood and that levels of noise from licensed public entertainments shall not exceed levels set at neighbouring occupied residential premises that will be agreed with responsible authorities. The provision of a sound limiting device, to be set as agreed if considered appropriate by the responsible authorities, that events shall not cause a statutory nuisance, the provision of noise propagation tests. In terms of committee decisions, major events shall not be on consecutive nights and not within 60 days of each other, that a street ranger shall be provided during a major event, a hotline number, a noise risk assessment for major events, notification and

dialogue with Birmingham Central Backpackers, monitoring by acoustic consultant, control of people in the street.

Argeela Lounge, 1134 Fazeley Street, Digbeth, Birmingham – granted on the 15th November 2016, permits live and recorded music until 03.00hrs. No conditions with respect to noise on license.

Fazeley Studios – Multipurpose Venue and issued on the 21st June 2018. Permits live music etc until 03.00hrs but normal operating hours until 01.00hrs unless 14 days' notice is given. Conditions require windows to be kept closed, recorded music levels to be monitored, out of hours deliveries to be monitored and training of staff on departure. Appear to run up to 70 weddings a year and hundreds of events a year.

The Bond Company, 178 – 182 Fazeley Street, Digbeth. Permits live and recorded music until 01.00hrs albeit external regulated entertainment restricted to 22.00hrs and requiring staff to be trained in quiet departure.



Appendix D – Glossary of Terms

1. Noise is defined as unwanted sound. The range of audible sound is from 0 dB to 140 dB. The frequency response of the ear is usually taken to be about 18 Hz (number of oscillations per second) to 18000 Hz. The ear does not respond equally to different frequencies at the same level. It is more sensitive in the mid-frequency range than the lower and higher frequencies and because of this, the low and high frequency components of a sound are reduced in importance by applying a weighting (filtering) circuit to the noise measuring instrument. The weighting which is most widely used and which correlates best with subjective response to noise is the dB(A) weighting. This is an internationally accepted standard for noise measurements.
2. For variable noise sources such as traffic, a difference of 3 dB(A) is just distinguishable. In addition, a doubling of a noise source would increase the overall noise by 3 dB(A). For example, if one item of machinery results in noise levels of 30 dB(A) at 10 m, then two identical items of machinery adjacent to one another would result in noise levels of 33 dB(A) at 10 m. The 'loudness' of a noise is a purely subjective parameter but it is generally accepted that an increase/decrease of 10 dB(A) corresponds to a doubling/halving in perceived loudness.
3. External noise levels are rarely steady but rise and fall according to activities within an area. In an attempt to produce a figure that relates this variable noise level to subjective response, a number of noise metrics have been developed. These include:

LAeq noise level - This is the 'equivalent continuous A-weighted sound pressure level, in decibels' and is defined in BS 7445 [1] as the 'value of the A-weighted sound pressure level of a continuous, steady sound that, within a specified time interval, T, has the same mean square sound pressure as a sound under consideration whose level varies with time'. It is a unit commonly used to describe community response plus, construction noise and noise from industrial premises and is the most suitable unit for the description of other forms of environmental noise. In more straightforward terms, it is a measure of energy within the varying noise.

LA90 noise level - This is the noise level that is exceeded for 90% of the measurement period and gives an indication of the noise level during quieter periods. It is often referred to as the background noise level and issued in the assessment of disturbance from industrial noise.

LA10 noise level - This is the noise level that is exceeded for 10% of the measurement period and gives an indication of the noisier levels. It is a unit that has been used over many years for the measurement and assessment of road traffic noise.

**The River
30-34 River Street
Digbeth, Birmingham.
B5 5SA**

These conditions as amendments to the operating schedule of the premises licence are agreed with West Midlands Police licensing team on 6 December 2018

1. When licensable activity takes place there will always be a personal licence holder on duty at the premises.
2. The premises will only operate licensable activity for pre-booked events.
3. When the premises is not booked for planned events, it will not operate as a walk in venue for the general public.
4. The premises will record the name, date of birth, address and contact number of any persons hiring the venue. (Booking form.) The risk assessment grading will be written on the booking form.
5. When carrying out licensable activity the premises will display prominent signage outside the front of the venue stating that the venue is open for a private function or event, invite only and no access is permitted to the general public.
6. All events will be risk assessed and the premises will notify West Midlands Police licensing team of any event deemed to be medium or high risk. This notification will be made 28 days before the event.

Both parties have agreed these conditions and West Midlands Police Licensing will notify the Council's Licensing Authority that they are withdrawing any representation to the application.

Signed by.

PC D Walker
Police Licensing Team



R V Edge
Agent for the applicant

Thursday 6 December 2018

The River
Premises Licence Application

Birmingham City Council
Licensing Sub-Committee
21 January 2019

Documents lodged on behalf of the applicant

Acting for the applicant, I have liaised extensively with the Responsible Authorities that had concerns over the operating schedule for this application. As a result, I have now agreed amendments to the operating Schedule of the premises licence and agreed to conditions with West Midlands police, we have had much dialogue with environmental protection..

Documents used for mediation included:

- Premises Licence and Site Operations Training Manual
- Dispersal policy
- Smoking area policy
- Challenge 25
- Incident log book
- Refusals register
- Staff training documentation
- Noise Management Strategy

In respect to the cumulative impact zone, we believe we would not add to any impact, we have offered a suite of conditions to deter any undermining of the licensing objectives. We are a reputable and responsible organization, who can provide effective training, systems and support to a high level in the pursuit of good practice. "Whilst we fully understand and approve the implementation of the cumulative impact zone, we are strongly persuaded that this application will have no adverse effect on the objectives of the CIz, the licensing policy and the overall situation in the area."

Staffing for SIA numbers will be assessed based on a Risk rated system and based on numbers attending each event. The door supervisors will be SIA registered, and there will be taxi marshals used for all events.

Conditions agreed with Environmental Protection

1. The Licensee shall, within 2 months of the date of issue of this licence, submit in writing a noise management assessment and mitigation to Environmental Protection Unit of Birmingham City Council. The noise management plan shall outline the measures to be adopted to reduce the noise impact of activities associated with the premises including music, smoking area, customer access and egress (include parking) and dispersal of customers from the surrounding area at the end of the night. All operational controls and management actions required by the approved noise management plan shall be instigated at all times. The noise management plan shall be updated regularly and all staff shall be adequately trained in their role in implementing the plan.
2. To avoid nuisance being caused to neighbours the DPS, or other nominated person/staff, shall monitor the external areas of the premises (including the designated smoking area) after 23:00 hours. In addition the DPS shall ensure that an appropriate number of Door supervisors/ the DPS, or other nominated persons shall monitor and control people entering and queuing and exiting the venue after 23.00. If necessary, they shall remind customers to be respectful of neighbours and where necessary they shall take appropriate steps to avoid customers using Fazeley Street to avoid such activities causing a nuisance.
3. Prior to any regulated entertainment involving amplified music taking place, a Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the serve any area of the premises used for amplified music or sound. The NLD shall be set at a level agreed with the Environmental Protection Section to ensure that the volume of music is controlled to avoid noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Section prior to use and shall meet 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 or tampered with in any manner unless prior approval is given,
 - b) The device shall be capable of either:-
 - i) cutting off the mains power to the amplification equipment if the volume exceeds the pre-set level determined by the Environmental Protection Unit and shall not restore power to the amplification equipment until the NLD is reset by the DPS or their nominated person, or
 - ii) otherwise maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit,
 - c) where the NLD operates by cutting off the mains power to the amplification equipment, amplification equipment shall be operated through the sockets/power points linked to and controlled by the NLD at all times,

d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification equipment 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.

BIRMINGHAM CITY COUNCIL

LICENSING SUB- COMMITTEE A

MONDAY 21 JANUARY 2019

Further to the papers previously sent to you, I now enclose a copy of an additional report for consideration at the meeting as Other Urgent Business (agenda Item 6)

- 6 ZARA'S BAR, 80 BROAD STREET<BIRMINGHAM, B15 1AU -
LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME
REDUCTION ACT 2006 - CONSIDERATION OF
REPRESENTATIONS IN RESPECT OF THE INTERIM STEPS
IMPOSED ON 18 JANUARY 2019**

N.B. Application scheduled to be heard at 1330 hours.

Documents submitted.

- A. Representations made by the premises licence holder
- B. Decision of the meeting held on 18 January 2019
- C. Certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003
- D. Application for an expedited Review of Premises Licence
- E. Copy of Premises Licence
- F. Location maps

The premises licence holder has made representations (See A above) in respect of the interim steps imposed on 18 January 2019 (See B above) following the application from West Midlands Police for an expedited review of the premises licence in respect of Zara's Bar, 80 Broad Street<Birmingham, B15 1AU. The application was accompanied by a certificate signed by a senior member of the force, stating that in their opinion the licensed premises is associated with serious crime and disorder which was made under Section 53A of the Licensing Act 2003 (as amended). (See C and D above)

In accordance with the regulations, the licensing authority has given the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate.

This hearing has been arranged in order to consider whether it is necessary to take any interim steps in respect of the licence pending the determination of the review. The Premises Licence is included at item E.

At the hearing the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanies the application,
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

There is no right of appeal to a magistrates court against the licensing authority's decision at this stage.

Phil Wright
Democratic Services
Tel: 0121 675 0216
Fax: 0121 303 1086
e-mail: phil_wright@birmingham.gov.uk
18 January 2019

From: Carl Moore [mailto:carl1@hotmail.com]
Sent: Friday, January 18, 2019 3:04 PM
To: David Kennedy; Paul Franks
Cc: zarasbar@bt.com; Leo Charalambides; John P. [mailto:john.p@bt.com]
Subject: Appeal Notice re Interim Steps against ZARAS BAR

6A

Dear David,

Re: ZARAS BAR, Broad Street, 80 Birmingham, B15 8AU

I wish to inform you that I have been instructed by Pete Sangha a director of Five Rivers 2 UK the premises License holder for the above premises, to represent him in relation to licensing issues at the said premises.

Mr Sangha has also instructed Mr Leo Charalambides, barrister at Kings Chambers to represent him in legal matters.

1

I have been instructed by my client Mr SANGHA, to make representation against the interim step imposed in the decision made by the Licensing sub-committee 18th January 2019, comprising a suspension of the premises license, after having heard what they believed to be evidence of Crime & Disorder from PC Abdul Rohomon of The West Midlands Police, following an incident on 12th January 2019 where it is alleged a disorder broke out, resulting someone being knocked unconscious and shortly after Fire bombs allegedly thrown at ZARAS BAR.

My client refutes this allegation and as we believe that the application was not advanced on the basis of full and accurate evidence, we will be in a position to provide evidence to support this case and challenge the interim step.

I am aware that if the holder of the premises licence makes, and does not withdraw, representations against any interim steps taken by the relevant licensing authority, the authority must, within 48 hours of the time of its receipt of the representations, hold a hearing to consider those representations. (Section 53(b) 6, Licensing Act 2003)

I look forward to your response

Regards

Carl

Carl Moore

C.N.A. Risk Management Ltd
Mobile : 07967 132143
E Mail : carl@cna-riskmanagementltd.co.uk

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BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE - A

FRIDAY 18 JANUARY 2019

ZARA'S BAR, 80 BROAD STREET, BIRMINGHAM, B15 1AU

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Five Rivers 2 UK Limited in respect of Zara's Bar, 80 Broad Street, Birmingham, B15 1AU this Sub-Committee determines:

- That the licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application

The Sub-Committee's reasons for imposing this interim step are due to concerns by West Midlands Police in relation to matters which came to light at the premises on 12 and 13 January 2019 as outlined in the Chief Officer of Police's certificate and application.

The Sub Committee determines the cause of the serious disorder appeared to originate from deficient security measures and the inability of management to respond to the first incident in an appropriate manner as viewed on the CCTV footage submitted by the WMP during the private part of the hearing.

The Sub Committee was concerned to note there was no security by the premises door at 11pm and by the behaviour of door staff towards the fight that took place immediately outside the premises which appeared to be instigated by the premises visitor, namely the promoter.

Further, the lack of regard shown to the unconscious individual laying immediately outside the licenced premises was a cause of concern for the members. The Sub Committee felt the inaction by door staff and, or the management of the premises to call the emergency services in respect of the unconscious individual fell short of the standards required.

It was recognised by the Sub-Committee that the premises management in the aftermath of the two incidents that took place on 12 and 13 January, cooperated with the police's investigation, and made a subsequent offer of extra measures to deal with the police's concerns, however these were not considered satisfactory by the Responsible Authority.

The Sub Committee also noted additional conditions were offered by the premises licence holder's legal representative during the hearing to address issues pertaining to the incidents. However, members considered the employment of a door supervisor at 7pm and a further two more at 9pm; including use of body cameras did not address the source of the first incident, a serious disorder.

Members felt the lack of adequate presence of door staff gave rise to poor management of the group of individuals and promoter leaving their premises which in turn enabled the first serious disorder to occur outside the premises. There was little evidence to suggest that security staff had intervened to pre-empt or defuse the situation or incident as it developed nor had they generally alerted the emergency services to the incident or about the unconscious individual at the time that it had happened.

Members considered on the balance of probabilities, the modification of conditions did not address the behaviour displayed by the door staff as viewed on the CCTV footage. The Sub committee gave weight to the concerns expressed by the police in respect of the conduct and proficiency of security staff at the premises and determined it necessary and reasonable to suspend the licence to address the immediate problems identified with the premises, in particular the likelihood of serious disorder, and to promote the prevention of crime and disorder objective in the Act.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours.

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

6C

West Midlands Police

CERTIFICATE UNDER SECTION 53A (1)(B) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime and disorder

Premises: Zara's Bar

Premise Licence Number: 4052

Premise Licence Holder: Five Rivers 2 UK Limited

Designated Premise Supervisor: Miss Victoria Sherwin

I am a Superintendent in West Midlands Police.


I am giving this certificate because I am in the opinion that the procedures under the Licensing Act are inappropriate in this case because the standard review procedures are thought to be inappropriate due to the seriousness of the disorder, and the serious management failings of the premises concerned.

The level and seriousness of the incident in terms of the serious disorder warrant the use of this power. I have considered the use of the normal review procedure but I do not feel this would be appropriate in these circumstances due to the above reasons, and the fact that to maintain the licensing objective of preventing crime and disorder the normal review procedure would not be sufficient.

The severity of the incidents is a matter that needs to be brought to the attention of the Licensing Committee immediately.

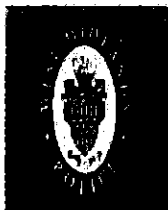
The concern of West Midlands Police is that if steps are not taken to consider the running of these premises they will continue to be used in the manner in which they were discovered on the weekend of 13th January 2019. I am conscious of the guidance on the use of "Expedited Reviews" and given the emphasis that is given to use of this power to tackle serious crime and disorder, my feelings that this process is deemed appropriate are further enforced.

Signed

 Supt 1218 GREEN
BW NPH

3

6D



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 the 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

I - Supt Ian Green

(on behalf of) the chief officer of Police for the West Midlands Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003

1. Premises details: Zara's Bar

Postal address of premises,(or if none or not known, ordinance survey map reference or description): 80 Broad Street,

Post Town: Birmingham

Post Code (if known): B15 1AU

2. Premises Licence details:

Name of premise licence holder (if known): Five Rivers 2 UK Limited

Number of premise licence (if known): 4052

3. Certificate under section 53A (1)(B) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that this is a certificate has been given by a senior member of the police force for the police area above that in his/her opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)



4. Details of association of the above premises with serious crime, serious disorder or both:

(Please read guidance note 2)

At 00.19 hours on Sunday 13th January 2019 West Midlands Police received a 999 call from Zara's that 2 petrol bombs had been thrown from a passing vehicle at the premises.

Officers attending and an investigation started as this was a very serious incident. When officers spoke to the security staff they were told that the males involved had a fight with other people outside the premises and it had nothing to do with them.

Officers obtained video footage both from the premises and other cameras on the street. Footage from other cameras on the street showed a fight outside the premises but it was unclear to see what was happening or who had done what, except the fact a male was knocked out and fell to the floor for some time.

Officers have reviewed the CCTV footage from Zara's, they have a camera by the cloak room which is a hut at the front by the gate.

Officers have reviewed the CCTV numerous times and also spoken to the DPS and manager to get their version of events.

From the CCTV the incident starts around 23.04 hours, according to the door staff records the head doorman G Pryce had been on since 10pm with the other 5 staff signing in at 11pm.

The DPS and manager have both indicated to officers that they have seen the footage, they have stated that they see the group arrive and there is a verbal confrontation and this group become verbally abusive and threaten violence.

One of the group who is wearing a tracksuit ends up on the floor, at which he comes round to the front and tries to kick a person who had been waiting to see the manager to discuss a promotion.

This person manages to grab hold of the kickers foot and up end him. When the male gets up someone punches him again and he is knocked out. They then recall that the Street Pastors were with him so they left it to them, although they say he was knockout for several minutes.

This version of the incident is also reflected in the incident report that was submitted.

Officers have reviewed the CCTV on multiple occasions and have seen the following –

- The liaison manager who is not SIA registered or authorised was at the front of the premises, he was searching people as they entered the premises before and after the incident. He is very distinctive as he is very tall and wearing a flat cap.
- The meet and greet person was also on the front door, dressed all in black. Although he is not doing any searches he is clearly involved in controlling entry to the premises.
- At the time of the incident there are no security at the front
- There is another male at the front who was smaller and eating, according to the premises this was a promoter who had come to the premises to talk about a promotion
- 23.05:21s – the group of 6 arrive at the front
- Still just Liaison manager and meet and greeter at front with other male purported to be a promoter
- 23.06:10s – DJ is seen to enter and walkthrough the group with no issues
- Promoter male is now standing behind meet and greeter
- 23.06:43s another male with a radio appears in shot, he approaches the front having come from inside the premises. He is not wearing any ID and is not identifiable
- He is wearing a woollen hat, a puffer jacket which is zipped up
- He walks to the front and goes into the group
- 23.07:02 – can see the male reported to be the promoter gesticulating with his hands to person behind the pillar
- 23.07:14s – this male then walks round the side of the group
- Same time you see a male from the group who was wearing a tracksuit also walk from the other side, and appears to do a goading movement

- 23.07:18s – there is contact between the person who is promoter and another, unclear who did what
- 23.07:21s – male in tracksuit ends up on the floor, falling on his bum
- 23.07:22s – the first person who is identifiable as a door supervisor arrives, walking from inside the premises, he has "security" on the back of his jacket.
- The male who was seen earlier with the radio and the promoter are next to each other
- 23.07:25s - the male that had been on the floor, tries to kick the promoter. He manages to grab his foot and up ends him
- 23.07:31s – the male then gets up, the promoter then throws a punch at the male
- As the male stumbles backwards the other male who is then seen to punch the male twice
- 23.07:35s – another male with security on his back appears again from inside the premises carrying a long stick behind his back but in plain view of the CCTV
- 23.07:40s – male is on his back on the floor and does not appear to be moving
- Security with stick put it by gate, which is then picked up by another person and taken to the hut
- 23.07:47s – the staff start to retreat to the front of the premises. The second male who is seen to throw punches, puts his hood back up – he is wearing a baseball cap as well, and retreats back behind the pillar.
- From what he was wearing and his positioning officers believe this to be the meet and greeter.
- No staff stay with the male to offer any assistance. It appears that the people he was with are around him
- There does not appear to be any "Street Pastors" with the male immediately although enquiries are continuing.
- The male is lying on the street, on his back for sometime

At some point the male does get up and walks off towards Sheepcote Street

At 00.19 a car that is travelling up Broad Street (from the bottom towards Five Ways), throws what looks like two petrol bombs at the front of Zara's, both explode and ignite on the pavement.

West Midlands Police are concerned that this serious disorder happened at this licensed premises. The premises have indicated that they were not involved in the fight, indicating to officers that it was another group. It was from viewing the CCTV numerous times that officers have found this account to be incorrect.

There is no definition of serious disorder, however it is my opinion that this is serious disorder that then lead to the serious actions of people throwing petrol bombs at the premises, something that has not happened before as far as I am aware. It is very lucky that someone was not seriously hurt/injured by this.

After a meeting with the licensing officer, the premises have offered some remedial action but West Midlands Police are not satisfied with this response in addressing the issues.

West Midlands Police are seeking the suspension of the licence.

Signature of applicant:



Date: 16/1/2019.

Rank/Capacity: SUPT 1218 IAN GREEN (BWMPL)

Contact details for matters concerning this application: Pc 4075 Abdool ROHOMON

Address: Licensing Dept c/o Steelhouse Lane Police Station, Birmingham

Telephone Number(s): 0121 626 6099

E-mail - a.rohomon@west-midlands.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious Disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder or both.

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

4052 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Zara's Bar 80 Broad Street	
Post town: Birmingham	Post Code: B15 1AU
Telephone Number: Not Specified	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

A	Plays
B	Films
C	Indoor Sporting Event
E	Live Music
F	Recorded Music
G	Performance of Dance
H	Anything similar to (e) (f) or (g)
M3	Sale of Alcohol by retail on and off the premises

The times the licence authorises the carrying out of licensable activities

Monday - Sunday	07:00 - 06:00	A ,B ,C ,E ,F ,G ,H ,M3
	23:00 - 05:00	L

The opening hours of the premises

Monday - Sunday	07:00 - 06:30
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and Off Supplies

BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Five Rivers 2 UK Limited 354 Hagley Road Pedmore Stoubridge	
Post town: West Midlands	Post Code: DY9 0QY
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 07421533
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Miss Victoria Sherwin	
Post town:	Post Code:
Telephone Number:	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 3683	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 21/12/2013

David Kennedy
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises— (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that— (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

BIRMINGHAM CITY COUNCIL

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

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

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

CCTV to be installed and maintained to the satisfaction of West Midlands Police. The CCTV system to be in full working order at all times when the premises are open for licensable activities. The CCTV system shall record and store images for a minimum of 30 days. Images to be made available to West Midlands Police and Local Authority officers upon request.

The premises will risk assess its standard operating procedures covering seven days a week, included in this risk assessment will be any security provisions. A copy of risk assessments to be made available to West Midlands Police Licensing Department (Steelhouse Lane).

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

The use of the premises for licensable activities between 0400 and 0600 hours is subject to 7 days notice (28 days notice in respect of "risk" events) by any means to the West Midlands Police Licensing Department at Steelhouse Lane Police Station, or such other officer or Police Station as shall have been notified to the Designated Premises Supervisor in writing. A "risk" event is defined as a music event attracting a defined or special interest audience. In such case the Police shall have the right to veto the use of the premises for that event during those hours by giving notice within 3 days of notification.

External Promoted Events: If the premises has any late night external promoter event which is not part of the standard operating procedure, then a separate risk assessment will be completed and forwarded to the Licensing Department at Steelhouse Lane Police Station at least 28 days, or such other time as agreed with West Midlands Police Licensing Department, before the event. Any additional conditions (in writing) required by West Midlands Police will become a condition of the premises licence for the purposes of that event.

The premises will implement and put in practice a drugs policy and an incident log book will be kept and maintained on the premises, and will be made available for inspection by West Midlands Police and responsible authorities.

The Premises License Holder shall ensure members of staff will receive regular training in their responsibilities under the Licensing Act 2003, to include use of the proof of age scheme adopted by the premises. Such training to be documented and records shall be retained at the premises and produced to responsible authorities upon reasonable request.

The Premises licence holder will ensure that the Designated Premises Supervisor, or such other member of staff as may be nominated by him/her, attends local Pub watch (or such other similar scheme).

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

SIA registered door supervisors will be engaged at the premises in accordance with the standard operating procedures risk assessment. Door staff profiles will be retained for all staff that are working in the premises or have been working at the premises in the last 3 months. Profiles are to be proof of identity (photocopy of driving licence or passport) and proof of address (utility bill or bank statement). Proof of address is not required when proof of identity is a new photo driving licence. Profiles are to be available for inspection on request by a responsible authority.

The Premises License Holder shall ensure when door supervisors are engaged at the premises they shall wear Hi-Vis armbands at all times.

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

There shall be adequate supervision of the external area, and security provision will be assessed within the standard operating procedure risk assessment (see above).

The licence holder or designated premises supervisor will ensure that music sound levels are monitored, and that regular patrols are carried out by designated members of staff, internally and externally, to limit any noise pollution during regulated entertainment in the premises.

The premises License Holder shall ensure notices are displayed on the premises asking customers to respect local residents when leaving the premises.

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

The premises will implement a Challenge 25 proof of age scheme.

If the premises wishes to hold an under 18 event, 28 days notice will be provided to the Licensing Department at Steelhouse Lane Police Station, together with a risk assessment for the event.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Conditions as stated below under the appropriate licensing objective.

Licensing Sub Committee C resolved on the 23rd November 2016, having reviewed the premises licence as a result of a flyposting review application being submitted to permanently modify the conditions of licence relating to flyposting as detailed below under the public nuisance objective.

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

N/A

3c) Committee conditions to promote public safety

N/A

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

Doors and windows: The applicant shall ensure that all doors and windows are shut during the provision of regulated entertainment save for access or egress.

Noise limiter: The applicant shall install a noise limiter at the premises to be calibrated at a level set by Environmental Health.

Additional Permanent Conditions following flyposting review:

1. The premises licence holder shall, as far as is reasonably practicable, ensure that events held at the premises are not in any way promoted by the use of illegal fly-posting or unauthorised advertisements attached to street furniture.
2. The premises licence holder shall ensure that agreements/contracts with promoters for the use of their premises or for events to be held at their premises prohibit the use of illegal fly-posting and/or advertisements attached to street furniture, and shall take all steps reasonable to enforce such agreement/contract terms. The Premises Licence Holder shall maintain a register of individuals and companies contracted with, for inspection by any Responsible Authority on request.
3. The premises licence holder shall take all reasonable precautions and exercise all due diligence to ensure that no person/company promoting or providing entertainment on the premises, nor any person acting on behalf of any promoters, shall display in an unlawful manner advertisements promoting the entertainment or the premises, in particular:
 - a) no display of advertisements should take place on street furniture;
 - b) no display of advertisements should take place on premises or structures placed on, over, in or adjacent to the highway, unless the licensee has first obtained the written consent of the owner of the premises or structure. Such consent shall be shown to a responsible authority on request.
4. The premises licence holder shall remove any unlawful advertisements of events at their premises where they become aware of them or they are advised by Birmingham City Council, its agent(s) or West Midlands Police of an illegal advertisement being displayed. Such removal shall take place within 48 hours of receiving the said notice.

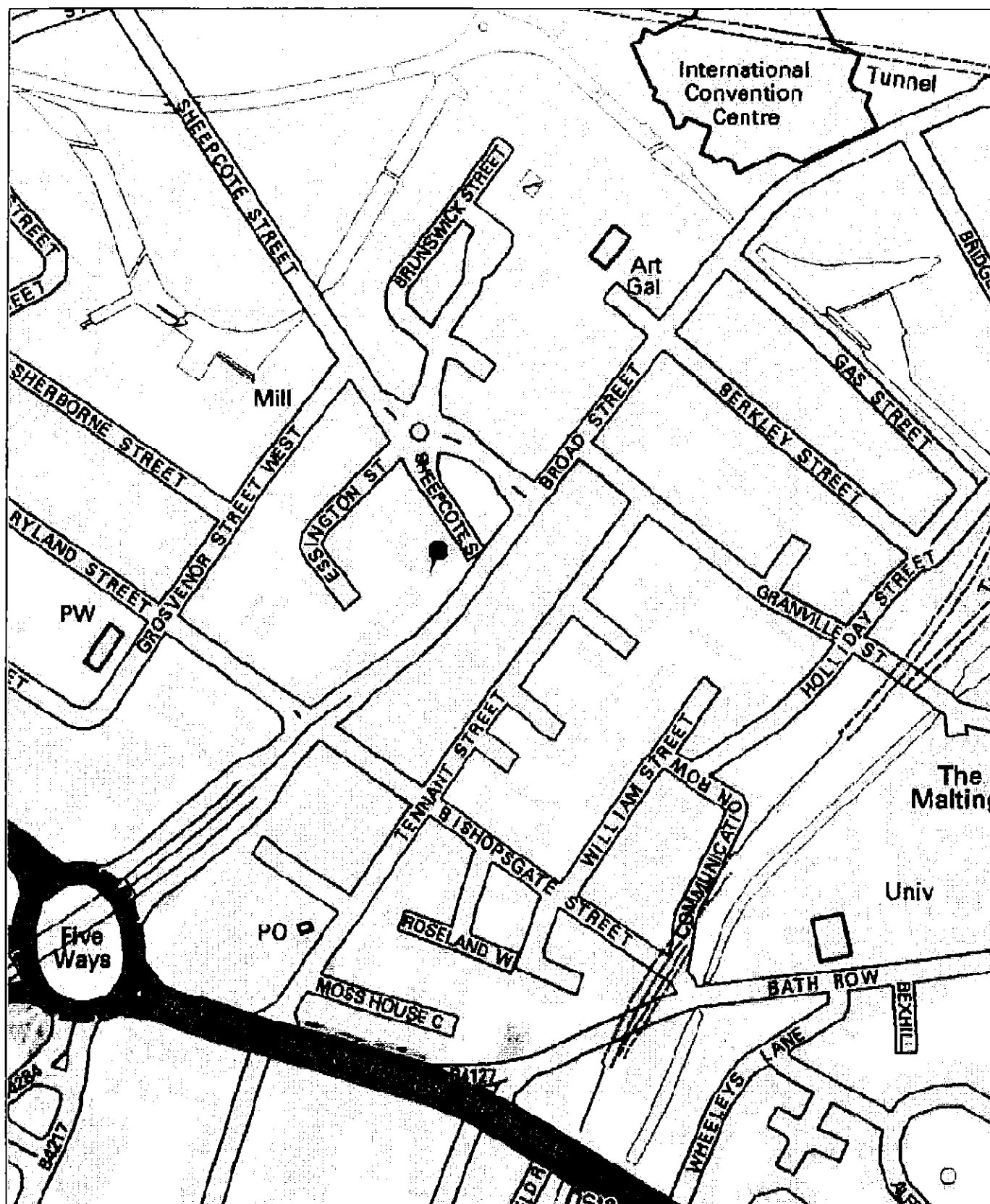
3e) Committee conditions to promote the protection of children from harm

N/A

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Annex 4 – Plans

The plan of the premises with reference number **83973-4052/1** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please ring the Licensing Section on 0121 303 9896 to book an appointment.



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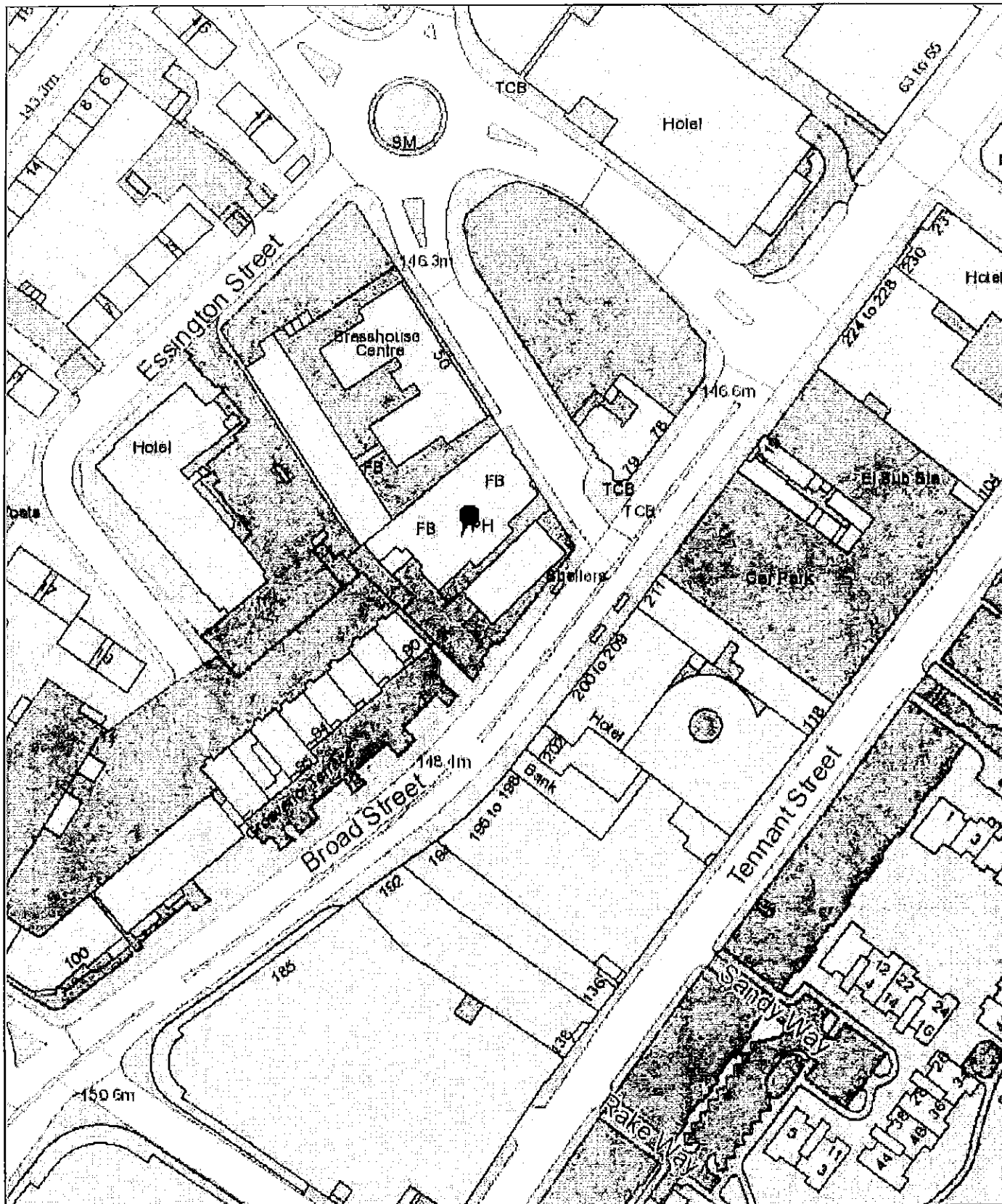
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