LICENSING SUB-COMMITTEE A

MONDAY, 15 APRIL 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.

AGENDA

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

4 <u>LICENSING ACT 2003 PREMISES LICENCE – REVIEW STORIES, 30</u> LADYWELL WALK, BIRMINGHAM, B5 4ST

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

39 - 64 LICENSING ACT 2003 PREMISES LICENCE - GRANT WAREHOUSE CAFÉ BAR, 55 - 57 ALLISON STREET, DIGBETH, BIRMINGHAM, B5 5TH

Report of the Director of Regulation and 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.

PUBLIC REPORT

Report to:	Licensing Sub Committee A	
Report of:	Director of Regulation & Enforcement	
Date of Meeting:	Monday 15 th April 2019	
Subject:	Licensing Act 2003	
	Premises Licence – Review	
Premises:	Stories, 30 Ladywell Walk, Birmingham, B5 4ST	
Ward affected:	Bordesley & Highgate	
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer,	
	0121 303 9896, licensing@birmingham.gov.uk	

1. Purpose of report:

To consider an application to review a Premises Licence.

2. Recommendation:

To consider and determine the review application.

3. Brief Summary of Report:

Review application received on 19th February 2019 from West Midlands Police in respect of Stories, 30 Ladywell Walk, Birmingham, B5 4ST.

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

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

The Chief Constable of West Midlands Police applied on 19th February 2019 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for Stories, 30 Ladywell Walk, Birmingham, B5 4ST.

Review application is attached, see Appendix 1.

A representation has been received from Public Health, as a responsible authority, which is attached at Appendix 2.

The Premises Licence is attached at Appendix 3.

Site location plans are attached at Appendix 4.

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:

Review Application Form, Appendix 1 Copy of the representation as detailed in Appendix 2 Copy of Premises Licence, Appendix 3 Site location plans, Appendix 4

7. Options available

Modify the conditions of Licence Exclude a Licensable activity from the scope of the Licence Remove the Designated Premises Supervisor Suspend the Licence for a period not exceeding 3 months Revoke the Licence No Action

Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

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

Application for the review of a premises licence or club premises certificate 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 The Chief Constable of West Midlands Police	ice
(Insert name of applicant)	
apply for the review of a premises licence under premises certificate under section 87 of the Lice Part 1 below (delete as applicable)	
Part 1 - Premises or club premises details	
Postal address of premises or, if none, ordnance Stories 30 Ladywell Walk	ce survey map reference or description
Post town Birmingham	Post code (if known) B5 4ST
Name of premises licence holder or club holding New Era Birmingham LTD	ng club premises certificate (if known)
	BCC
Number of premises licence or club premises ce 3897	ertificate (if knewn) LICENSING SECTION DATE RECEIVED
Part 2 - Applicant details	1 9 FEB 2019
I am	RES NO Please tick y yes
1) an individual, body or business which is not a reauthority (please read guidance note 1, and completor (B) below)	responsi ble
2) a responsible authority (please complete (C) bel	elow)
3) a member of the club to which this application (please complete (A) below)	relates

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)
Please tick ✓ yes
Mr Mrs Miss Ms Other title (for example, Rev)
Surname First names
Please tick ✓ yes I am 18 years old or over
Current postal address if different from premises address
Post town Post Code
Daytime contact telephone number
E-mail address (optional)
(B) DETAILS OF OTHER APPLICANT
Name and address
•
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address		
Licensing Department		
West Midlands Police HQ		
Lloyd House		
Birmingham		
B4 6NQ		
		:
Telephone number (if any)	· · · · ·	
E-mail address (optional)		
This application to review relates to the	e following licensing objective(s)

	Please tick one or more boxes ✓
1) the prevention of crime and disorder	\boxtimes
2) public safety	oxtimes
3) the prevention of public nuisance	
4) the protection of children from harm	

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

The premises are a nightclub that operates within a special policy area in Southside, Birmingham city centre. It has not been operating in its current format for very long (representation end date for the licence transfer was 16th August 2018)

It currently has a 24 hour licence for a number of licensable activities including the sale of alcohol.

The premises used to be Legs 11 which operated under an SEV. The conditions on the premises licence are appropriate to such an operation and not for a nightclub.

The grounds for this application are the prevention of crime and disorder and promoting public safety.

During a licensing compliance visit on 26th December 2018, a licensing officer witnessed customers using balloons to inhale nitrous oxide. This nitrous oxide had been openly supplied by an employee of the venue.

The DPS was challenged over this supply in the manager's office in the presence of the licence holders, it was admitted that the venue were supplying nitrous oxide and balloons for customers to consume, that they knew it was wrong and that they would stop. CCTV has been retained for this incident.

The supply of nitrous oxide is covered by Psychoactive Substances Act 2016.

A further visit over the weekend of 16th February highlighted further licence breaches around maintaining profiles for security staff.

The premises do not appear to be operating in a manner which gives WMP confidence that the licensing objectives are being complied with. They have allowed offences to take place inside the premises and have failed to comply with conditions.

WMP believe it is necessary and proportionate to bring this licence back before a licensing subcommittee.

Please provide as much information as possible to support the application (please read guidance note 3)
Further evidence will be supplied in the evidence and disclosure bundle which will include CCTV of the events on Boxing Day.
Evidence from city centre Sgts who have attended and observed breaches of conditions.
Details of any relevant incidents linked to the premises.
•

Have you made an application for review relating to the premises before	Please tick ✓ yes
If yes please state the date of that application	Day Month Year
If you have made representations before relating to the prand when you made them	emises please state what they were
	:

Please	tick	1	yes
ties	\boxtimes		

 \boxtimes

- I have sent copies of this form and enclosures to the responsible authorities
 and the premises licence holder or club holding the club premises certificate,
 as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 - Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature		2277		
	119			
	SYPEN(MIRAPE T			
CHIEE	ブンベモイいいいきんだった	3233	₽.₣₼ <i>₠.</i> ₣₮	٠.,

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Licensing Department

West Midlands Police HQ

Lloyd House

Post town
Birmingham
Post Code
B4 6NQ
Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

- A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
- 2. The ground(s) for review must be based on one of the licensing objectives.
- Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 4. The application form must be signed.
- An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 6. This is the address which we shall use to correspond with you about this application.



Birmingham Public Health

Stories B5 4ST

License Review Response

Duncan Vernon Acting Assistant Director of Public Health

18 March 2019

Final v1.0

The information contained in this document is provided for the purpose of review by Licensing Committee and may be circulated to all parties of the Review by Licensing Committee as appropriate. This document is not to be circulated to other parties outside of this Review without prior consent from the Author or used for purposes other than for the Review referred to in this report.



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Stories, 30 Ladywell Walk, B5 4ST

Public Health's Response to License Review

This is a response document from Birmingham Public Health in its capacity as a Responsible Authority (Police Reform and Social Responsibility Act 2011). This document supports the application for a review of a premises licence or club premises certificate under the Licensing Act 2003.

Wherever possible, supporting information contained within this document will be evidence-based and demonstrably refer to one or more of the licensing, those objectives being:

- . The prevention of crime and disorder
- · Public safety
- · The prevention of public nuisance
- · The protection of children from harm

To promote good practice and a collaborative, multi-agency approach, we will also share this document with the other Responsible Authorities for licensing in Birmingham.

This report is provided on behalf of the Director of Public Health.

Any queries relating to this report should be addressed to:

Kyle Stott Licensing Lead Birmingham Public Health PO Box 16732, Birmingham B2 2GF

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1 Premises or club details

Name of premises	Stories
Postal address of premises	30 Ladywell Walk Birmingham B5 4ST
Premises licence holder	New Era Birmingham Ltd
Premises licence number	3897
Designated Premises Supervisor	Mr Ryan Gough

2 Overview of the Grounds for Review

The premises are a nightclub that operates within a special policy area in Southside, Birmingham city centre. It has not been operating in its current format for long (representation end date for the licence transfer was 16th August 2018)

It currently has a 24 hour licence for a number of off-licensable activities including the sale of alcohol. The premises used to be Legs 11 which operated under an SEV (sexual entertainment venue license). The conditions on the premises licence are appropriate to such an operation and not for a nightclub.

The grounds for this application are the prevention of crime and disorder and promoting public safety.

During a licensing compliance visit on 26th December 2018, a licensing officer witnessed customers using balloons to inhale nitrous oxide. This nitrous oxide had been openly supplied by an employee of the venue. The DPS was challenged over this supply in the manager's office in the presence of the licence holders, it was admitted that the venue were supplying nitrous oxide and balloons for customers to consume, that they knew it was wrong and that they would stop. CCTV has been retained for this incident. The supply of nitrous oxide is covered by Psychoactive Substances Act 2016.

A further visit over the weekend of 16th February 2019 highlighted further licence breaches around maintaining profiles for security staff.

They have allowed offences to take place inside the premises and have failed to comply with conditions.

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3 Public Health response

Licensing Objective	Response
The prevention of crime and disorder	Nitrous Oxide (NO) is classed as a psychoactive drug and is covered by the 2016 Psychoactive Substances Act. As of 26 May 2016, it is an offence to possess with intent to supply, supply or offer to supply, produce, import or export a psychoactive substance.
Public safety	The use of NO has a number of associated side effects that are well documented. The National Institute for Health and Care Excellence (NICE) have listed the following side effects of NO (they have not attributed frequency of use to any of the following): abdominal distension; addiction; dizziness; euphoric mood; megaloblastic anaemia; middle ear damage; myeloneuropathy (condition affecting vitamin B12 metabolism. Severe B12 deficiency can, in some cases, lead to nerve damage); nausea; paraesthesia (a burning or prickling sensation that is usually felt in the hands, arms, legs, or feet); sedation; subacute combined cord degeneration; tympanic membrane perforation; vomiting. The Medicines and Healthcare products Regulatory Agency state: "Nitrous oxide has a very good safety profile in normal use under the supervision of a healthcare professional. However, prolonged use may lead in rare cases to megaloblastic anaemia and neurological toxic effects (myelopathy) due to inactivation of vitamin B12". BOC (a producer of Nitrous Oxide) state in their Medical Gas Data Sheet for NO that "Prolonged or frequent use of nitrous oxide may result in megaloblastic marrow changes, myeloneuropathy and subacute combined degeneration of the spinal cord"

Summary

It is Public Health's opinion that the licence holder has shown disregard for two of the licensing objectives, those being The Prevention of Crime and Disorder and Public Safety.

Based on the information received from West Midlands Police, the prevention of crime and disorder objective has not been met. As stated above, Nitrous Oxide is classed as a psychoactive drug and it is an offence to supply. The fact that the Designated Premises Supervisor (in the presence of the licence holders) admitted that an employee of Stories was supplying nitrous oxide in balloons and they knew it to be an offence means it would be difficult to draw any conclusion other than that this objective was flagrantly disregarded.

Public Safety is of considerable concern. The adverse side effects of nitrous oxide are listed in the relevant section above. The 'Drug Misuse: Findings from the 2017/18 Crime Survey for England and Wales' report has a section relating specifically to the use of NO and it states that 2.3% of adults aged

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16-59 had used NO and within that demographic the highest use of was amongst 16-24 year old of which nearly 9% said they had used it.

Habitual use of NO may result in the need for hospital treatment. Please see section 4.5: Costs to the NHS

West Midlands Police stated that a further visit over the weekend of 16th February 2019, brought to light further licence breaches around maintaining profiles for security staff. This would appear to be in contravention of one of the operating condition which states that "...there must be a portfolio kept on the premises in a secure location at all times, detailing each door supervisor who is/has worked at the premises. This will be proof of address (utility bill within the last 6 months) and proof of name and photo (passport or copy SIA badge) and made available to any authorised agency...'
We would draw your attention to appendix 4 of this document.

Public Health concur with the view of West Midlands Police that the premises are operating in a manner that does not instil confidence that licensing objectives would be complied with and therefore we also request a review of the premises licence.

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4 Supporting Evidence and Information

4.1 Public Health Statistical Analysis

The statistical analysis in Appendix 1 has determined a HIGH RISK rating (RED) against a series of key alcohol related crime offences including police domestic violence and Police (Non-Domestic Violence.

This rating is based upon an analysis of a range alcohol related datasets through our Alcohol Risk Assessment Tool. This allows Public Health to place the premises' postcode into the tool and assess against the surrounding area, compare against the Birmingham LSOA average, examine the larger Ward area and impact within the district.

Please note: Birmingham is made up of 10 districts with approximately 100,000 people in each; each district contains four ward of approx. 25,000 people; each ward contains approx. 20-25 LSOAs (lower super output area) of approximately 1,000 -1,500 people in each.

See Appendix 1

4.2 Ambulance Activity

The West Midlands Ambulance Service (WMAS) collate data on ambulance activity including nature of call out, age, gender, time of day, day of the week, etc. We contacted the WMAS who were able to provide ambulance activity data in relation to these premises, where the incident was either in or directly outside the premises.

The data shows one incident for the period 1 August 2018 to 21 February 2019.

See Appendix 2.

4.3 Crime

In December 2018, West Midlands Police reported 1607 individual crimes for that month, within a 1 mile radius of the property (www.police.uk). These breakdown into several categories, a sample of which are:-

•	Anti-social behaviour	189
•	Criminal damage and arson	77
٠	Drugs	34
•	Possession of weapons	20
	Public order	93
•	Violence and sexual offences	447

It is important to note that these are one month's figures.

See Appendix 3

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4.4 Impacts on economic activity

From a public safety pillar perspective, we're concerned that this type of criminal behaviour could deter investment, job creation, employment sustainability and the opportunity to socialise as part of the night-time economy. Public Health outcomes, especially in the context of the wider and social determinants depend on a number of factors; two of these key factors are the creation and sustainability of safe environments and opportunities for employment.

4.5 Costs to the NHS

There can be costs to the NHS.

A case study published by the Department of Neurology, University Hospital of Wales, reports that a 36-year-old male presented to the hospital with a five-week history of ascending limb paraesthesia and balance difficulties. The individual admitted habitual nitrous oxide inhalation. The treatment consisted of intramuscular B₁₂ replacement and intensive physiotherapy, and he was advised to stop inhaling nitrous oxide. He was discharged after four weeks but required the use of a zimmer frame for a further twelve weeks.

The same report references a review of 18 published cases of nitrous oxide toxicity which identified the most common neurological presentations as paraesthesia and gait disturbance, which did improve over weeks and months with high dose B₁₂ replacement, although only 25% of cases regained their original level of function.

5 References

- Crime stats (appendix 2) www.police.uk
- http://www.nationalcrimeagency.gov.uk/crime-threats/organised-crime-groups
- http://birminghamcsp.org.uk/admin/resources/birmingham-alcohol-strategy-2012-2016-lo-res-210612-v2.pdf
- Home Office: Drug Misuse: Findings from the 2017/18 Crime Survey for England and Wales
- Department of Neurology, University Hospital of Wales: Nitrous Oxide misuse and Vitamin B₁₂ deficiency

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Appendix 1. Public Health Data Analysis

Interpretation of this document:

Variable geographical levels of information have been used where available, in each case this is based on the post code of the application falling within this larger geographical area. Two terms are less commonly used outside of certain specialist areas and are detailed below:

- LSOA (Lower Super Output Area) is a geographical Census area with an approx. population of 1,500.
- MSOA (Medium Super Output Area) is a geographical Census area with a approx, population of 8,000.

Scores have been calculated by comparing the geographical area in question to the average at a higher level (Birmingham in most instances). 10% margin of error has been applied to both the smaller and larger areas and it is only where these are still relatively different that a RED (more prevalence or risk in area compared to average) or GREEN (less prevalence or risk in area compared to average) score has been calculated. Where these margins for error overlap in any way this has been calculated as AMBER (indifference).

1 Tier One Data Overall LSOA Score: RED / HIGH RISK

This score has been generated based on information regarding alcohol related violence and domestic violence, existing on-licences and off-licences, alcohol related fires, alcohol related safeguarding, underage sales and the existence of a cumulative impact area. These elements have been viewed as having the largest measurable impact on whether the licence should be granted and actual numbers were made available on a low level geography. The score is by quartiles and these are colour coded worst to best as Red, Amber, Yellow, Green. Full details below.

Whilst Alcohol Related Ambulance Activity is viewed as Tier One data it has not been possible to include it in the overall LSOA score as the data is only available on a post code district level.

1.1 Tier One Indicator Scores and Risk Ratings

Alcohol Related Ambulance Activity score was generated using actual incident information covering the period of September 2014- April 2015 provided by West Midlands Police Service. AMBER / MEDIUM

The score for the Post Code District was AMBER or 1 on a scale of 0-2 meaning that it was not significantly statistically different from the average across all Post Code Districts. There were 10 incidents in the Post Code District in the period.

Police (Non-Domestic Violence) score was generated using actual incident information covering the period of 2008-2013 provided by West Midlands Police Service. RED / HIGH

The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There were 963 incidents in the LSOA in the period.

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Police (Domestic Violence) score was generated using actual incident information covering the period of 2008-2013 provided by West Midlands Police Service.

RED / HIGH

RED / HIGH

GREEN / LOW

GREEN/LOW

GREEN / LOW

The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There were 68 incidents in the LSOA in the period.

Existing On-Licences score was generated utilising a list of all current existing Alcohol Licences of the relevant type known to Birmingham City Councif.

RED / HIGH

The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There are 10 in the Post Code.

Existing Off Licences score was generated utilising a list of all current existing Alcohol Licences of the relevant type known to Birmingham City Council.

The score for the LSOA was RED or 2 on a scale of 0-2 meaning that it was significantly statistically worse than the average across all LSOAs. There are 0 in the Post Code.

Cumulative impact Areas (CIA) score was calculated based on if a given LSOA contains a Post Code that falls wholly or partly within a CIA.

The score for the LSOA was RED or 2 on a scale of 0 or 2 meaning that it was significantly statistically worse than the average across all LSOAs. The individual post code does fall wholly or partly within a CIA.

Fire Services score was generated using actual incident information on a Post Code level covering the period of 2009-2014 provided by West Midlands Fire Service.

AMBER / LOW

The score for the LSOA was AMBER or 1 on a scale of 0-2 meaning that it was not significantly statistically different from the average across all LSOAs. There were 0 incidents in the Post Code in the period.

Safeguarding score was generated utilising factors identified at the end of Birmingham City Council Children assessments over the period 01/04/2014 to 31/03/2015 that were alcohol relevant at a post code level.

The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.

Underage Sales Justified Complaints was based on information provided from the relevant department covering the period 2009-2015 at a post code level. GREEN / LOW

The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.

Underage Sales Alcohol was based on information provided from the relevant department covering the period 2009-2015 as a post code level.

The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.

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Underage Sales Any Item was based on information provided from the relevant department covering the period 2009-2015 at a post code level.

GREEN / LOW

The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that it was significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.

2 Tier Two Data Overall Aston Ward Score: AMBER / MEDIUM RISK

This score has been generated based on information regarding alcohol specific deaths, liver disease preventable deaths, counterfeit activity and whether reducing alcohol consumption is a priority for the District. These elements have been viewed as having an indirect impact on whether the licence should be granted and were made available on a medium level geography, some of the information utilised is estimates rather than actuals. The score is by quartiles and these are colour coded worst to best as Red, Amber, Yellow, Green. Full details are below.

2.1 Tier Two Indicator Scores and Risk Ratings

Alcohol Specific Deaths score was based on information provided by Birmingham Public Health comparing ONS actual figures on alcohol specific deaths with ONS ward population estimates covering the period 2011-2013 on a ward level.

AMBER / MEDIUM

The score for Nechells Ward was AMBER or 1 on a scale of 0-2 meaning that is not significantly statistically different from the average across all Wards. The directly standardised rate calculated was 28.91.

Liver Disease Preventable Death score was based on information provided by Birmingham Public Health comparing ONS actual figures on alcohol specific deaths with ONS ward population estimates covering the period 2011-2013 on a ward level.

AMBER / MEDIUM

The score for Nechells Ward was AMBER or 1 on a scale of 0-2 meaning that is not significantly statistically different from the average across all Wards. The directly standardised rate calculated was 28.24.

Counterfelt Activity was based on GREEN / LOW information provided from the relevant department covering the period 2009-2015 at a post code level.

The score for the LSOA was GREEN or 0 on a scale of 0-2 meaning that is significantly statistically better than the average across all LSOAs. There were 0 incidents in the Post Code in the period.

District Priority was determined by all Post Codes that fall within a District that has currently identified alcohol as one of their priority issues.

RED / HIGH

The score for this application was RED or 2 on a scale of 0-2. Nechells Ward does fall within a District that has alcohol issues as a current priority.

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3 Tier Three Data Scores

Low number of indicators and differing geographies do not allow for a meaningful overall score. The information is of a high level, estimated numbers and / or a wider social determinant rather than a more direct link.

- Binge Drinking MSOA: AMBER / MEDIUM RISK
- Alcohol Related Hospital Admissions MSOA: RED / HIGH RISK
- Commissioned* Alcohol Misuse Services MSOA: RED / HIGH RISK
- Mental Health Adults Services in Ladywood District: AMBER / MEDIUM RISK

*Based on working age adult information only, while the service provider for children and older adults was engaged there was not sufficient volume of data to enable a meaningful analysis.



Appendix 2. Ambulance Activity Data for premises

Ambulance call out data for all call outs made directly to the premises, provided by West Midlands Ambulance Services on 22 February 2019.

	Incidents and Transports to Hospital				
Month	Incidents	Transports	% Transported		
January 2019	1	0	0.0 %		
Total	1	0	0.0 %		

Day of Week / Hour of Day	4 To	tal
Saturday	1	1
Total	1	1

	Incidents by Age & Gender			
Age Band	Male	Total		
20-29	1	1		
Total	1	1 1		

Chief Complaint/ Hour of Day	4	Total
Collapse Breathing Normal	1	1
Total	1	1

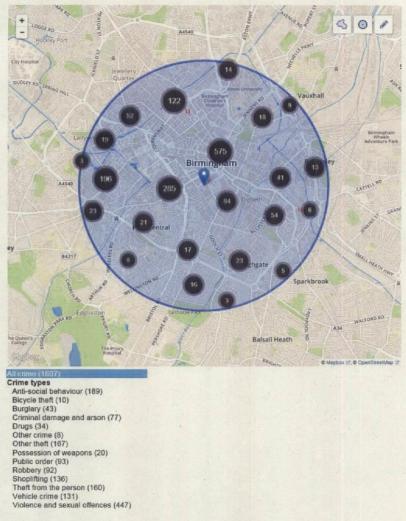
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Appendix 3. Crime

Taken from www.police.uk

All recorded crime for December 2018 within 1 mile radius of the premises and crime type breakdown.



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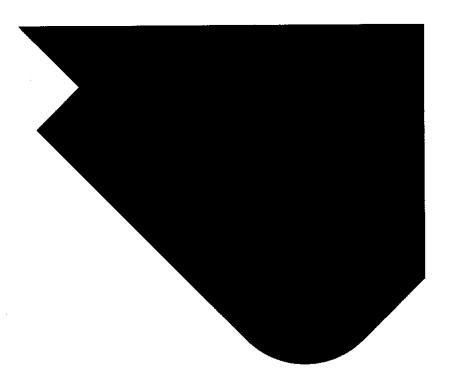


Appendix 4. Conditions of License (license number 3897)

CRIME The Premises Licence Holder shall ensure all staff employed at the premises will be trained and made aware of all 4 licensing objectives.

The premises appear to have failed to meet two of the Licensing Objectives, those being the prevention of crime and disorder and public safety and therefore they may have breached the above operating condition of their License.

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Public Health

PO Box 16732 Birmingham B2 2GF

www.birminghampublichealth.co.uk www.birmingham.gov.uk

The information contained in this document is provided for the purpose of review by Licensing Committee and may be circulated to all parties of the Review by Licensing Committee as appropriate. This document is not to be circulated to other parties outside of this Review without prior consent from the Author or used for purposes other than for the Review referred to in this report.

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:		3897 / 3				
Part 1 - Premises details:						
Postal address of premises, or if none, ordnance survey map reference or description Stories 30 Ladywell Walk						
Post town:	Post Code: B5 4ST					
Birmingham						
Telephone Nu	mber:	. 1			-	
Not S						
Where the lics	nce is time limited the dates					
N/A	not is time innited the dates					
N/A						
Licensable activities authorised by the licence						
В	Films					
F	Recorded music Performances of dance					
G						
Н	Anything of similar description	on to that fallin	g with	nin (live m	nusic), (recorded music) or	
	(performances of dance)					
L	Late night refreshment					
M3	Sale of alcohol by retail (bot	h on & off the	premi	ses)		
The times the	licence authorises the carrying	out of licens	able	activities	3	
Monday - Sunday		00:00	_	00:00	B ,F ,G ,H ,M3	
,	•	23:00	-	05:00	L	
				<u></u>		
	ours of the premises					
Monda ^a	/ - Sunday	00:00		00:00		

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and Off Supplies

Page 1 of 8

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

Part 2

Name, (registered) address, telep	hone number and	d email (where relevant) of holder of premises
New Era Birmingham Ltd 20 - 22 Wenlock Road		
Post town:	Po	ost Code:
London		N1 7GU
Telephone Number:		
Not Specified		
Email		
Registered number of holder for	example compan	y number or charity number (where applicable)
11213450		
Name, address, telephone number authorises for the supply of alcol Ryan Gough		oremises supervisor where the premises licence
Post town:	Po	ost Code:
Telephone Number:		
Personal licence number and iss supervisor where the premises li	uing authority of cence authorises	personal licence held by designated premises for the supply of alcohol
		Issuing Authority
10971	!	BIRMINGHAM CITY COUNCIL
Dated 17/08/2018		

SHAID YASSER Senior Licensing Officer For Director of Regulation and Enforcement

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Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, 86 9ES

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."

(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 x 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 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

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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.

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

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

Annex 2 - Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The Premises Licence Holder shall ensure a member of staff will be trained in first aid.

Regulated entertainment shall take place indoors only.

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

The maximum occupancy level is to be agreed with West Midlands Fire Service, this figure may be varied from time to time subject to agreement with West Midlands Fire Service and West Midlands Police.

CCTV to be installed to the specifications and recommendations of West Midlands Police. This will include dancing booths to negate any accusations of illegal activity and offer protection to dancers.

CCTV footage will be kept for a minimum of 31 days and will be fit for purpose.

CCTV to be operational at all times the premises are open.

CCTV images to be made available to any responsible authority immediately upon request.

Adult entertainment of the following nature is permitted at the premises; Lap Dancing, Pole dancing in lounge areas, full nude in dance booths and private rooms.

The Premises Licence Holder shall ensure all staff employed at the premises will be trained and made aware of all 4 licensing objectives.

SIA Door Supervisors; There must be a portfolio kept on the premises in a secure location at all times, detailing each door supervisor who is/has worked at the Premises. This will be proof of address (utility bill within the last 6 months) and proof of name and photo (passport or copy SIA badge) and made available to any authorised agency. Profiles of staff who no longer work at the premises will be retained for a period of 3 months.

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

Electrics, gas services and any relevant equipment are to be checked and maintained in working order and tested annually. Electrical sockets are to be fitted with residual current device protection (complying with BS7671 requirements for electrical installations) and labelled accordingly.

Preparation and dispense equipment to be checked and maintained in good working order and tested annually.

Suitable and sufficient written Fire risk assessments to satisfy the Regulatory Reform (Fire Safety) Order 2005 shall be produced to the requirements of West Midlands Fire Service.

Suitable and sufficient written public health and safety risk assessments shall be produced in relation to the adult entertainment activities.

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

A zero tolerance policy towards drunken or anti-social behaviour is to be in operation on the operation on the premises at all times.

The Licence Holder is to provide responsible management at all times.

SIA registered security staff will oversee patrons arriving or departing the premises and not allow anti-social behaviour by individuals or groups. When necessary advice will be given to such patrons not to do anything which may cause annoyance or disturbance to the local community.

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

The premises will adopt the challenge 21 Policy for under age sales and anyone appearing under 21 will be asked for identification (Photocard Driving Licence, Passport, Pass card for over 18's).

No photographs of naked or semi-naked women or other images of striptease or similar dancing to be displayed outside the premises.

No persons under the age of 18 to be admitted to the area of the premises identified as Legs 11 where adult entertainment is provided.

No Entertainment of an adult nature provided at the premises is to be visible to the passing public.

2 Profiles to be kept on the premises of all dancers who are working at the premises or who have worked at the premises in the last 3 months. Profile is to be proof of identity and age (passport/driving licence) and proof of address dated in the last 3 months such as (utility bill or other government document) and national insurance number. Profile to be made available to any responsible authority on request.

Dancers going onto the smoking area outside the premises must be clothed so that no lingerie can be seen.

The premises will operate in accordance with all relevant legislation which promotes the protection of children from harm objectives.

Annex 3 – Conditions attached after hearing by licensing authority 3a) General committee conditions N/A 3b) Committee conditions to promote the prevention of crime and disorder N/A 3c) Committee conditions to promote public safety N/A 3d) Committee conditions to promote the prevention of public nuisance N/A 3e) Committee conditions to promote the protection of children from harm

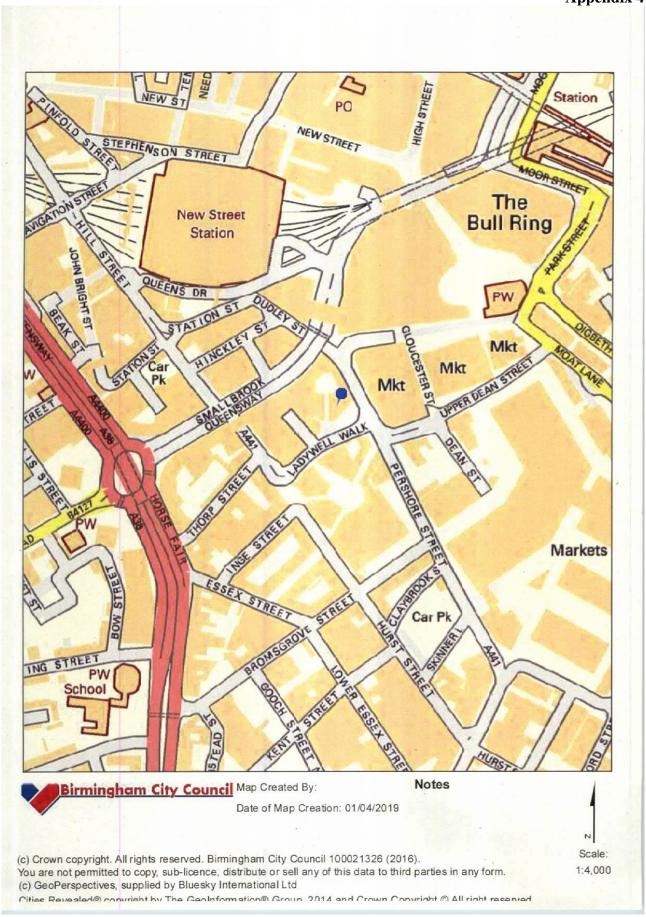
N/A

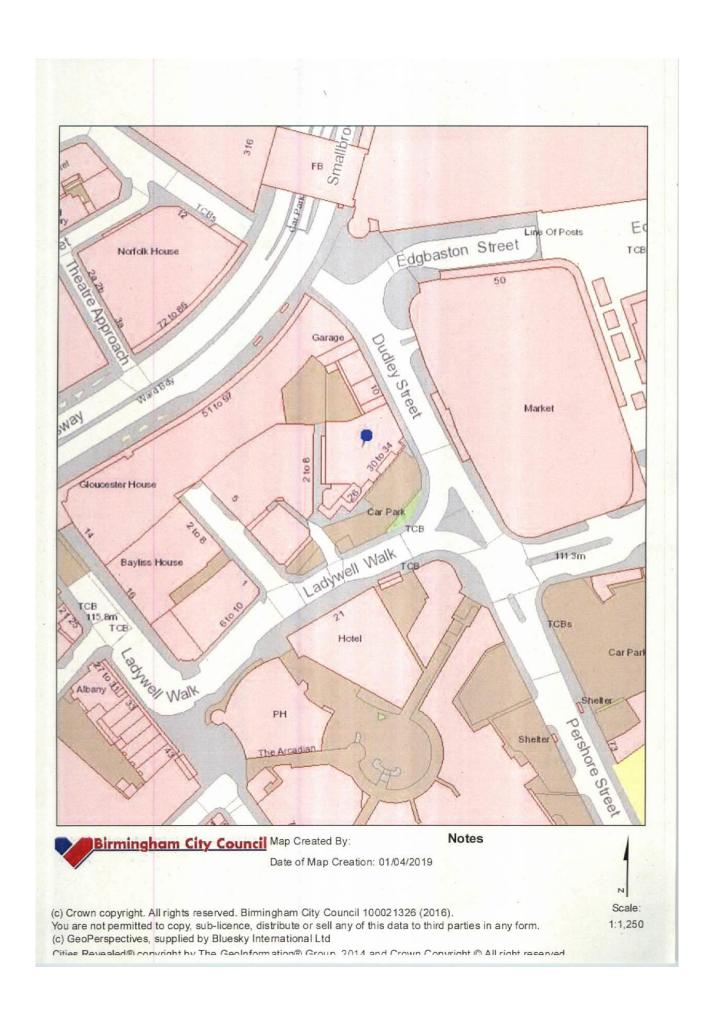
Annex 4 – Plans

The plan of the premises with reference number **107436-3897/3** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.

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





BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Monday 15 th April 2019
Subject:	Licensing Act 2003
	Premises Licence – Grant
Premises:	Warehouse Café Bar, 55 – 57 Allison Street,
	Digbeth, Birmingham, B5 5TH
Ward affected:	Bordesley & Highgate
Contact Officer:	Bhapinder 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 initially sought to permit the Sale of Alcohol (for consumption both on and off the premises) and the provision of regulated entertainment consisting of live music and recorded music. The times for these licensable activities are stated in the application form.

The applicant has agreed to amend the application and is now seeking to permit the Sale of Alcohol (for consumption both on and off the premises) to operate from 12:00midday until 11:00pm (Sunday to Thursday) and 12:00midday until 12:00midnight (Friday and Saturday).

The provision of Regulated Entertainment consisting of live music and recorded music, to operate indoors only, from 7:00pm until 11:00pm (Thursday) and 7:00pm until 12:00midnight (Friday and Saturday).

Premises to remain open to the public from 8:00am until 11:00pm (Sunday to Thursday) and 8:00am until 12:00midnight (Friday and Saturday).

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 18th February 2019, in respect of the Warehouse Café Bar, 55 – 57 Allison Street, Digbeth, Birmingham, B5 5TH.

A representation has been received 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 Warehouse Café Co-Operative Limited applied on 18th February 2019 for the grant of a Premises Licence for the Warehouse Café Bar, 55 – 57 Allison Street, Digbeth, Birmingham, B5 5TH.

A representation has been received from other persons. See Appendix 1.

The application is attached at Appendix 2.

Site Location Plans at Appendix 3.

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.

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.

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

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

6. List of background documents:

Copy of the representation as detailed in Appendix 1 Application Form, Appendix 2 Site Location Plans, Appendix 3

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.

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Allison House Hostel

52, Allison Street Digbeth Birmingham B5 5TH

The Licensing Section P O Box 17013 Birmingham B6 9ES

Date: 13th March 2019

Dear Sir/Madam,

We are a writing to raise some concerns over the licence application 109976 by The Warehouse Café Co-operative Limited, 54-57 Allison Street, Digbeth, Birmingham.

We have operated as a hostel for 26 vulnerable men for the past 40 years at 52 Allison Street, Digbeth, they have a mixture of problems including alcoholism, mental health, learning difficulties and chronic health conditions.

The unit applying for the licence is next door to our building and we have concerns related to public nuisance.

We have been in discussions with Mr Emmanuel Blondel about the operating hours and after realising the nature of the vulnerable residents next door he has agreed to restrict the operating hours Sunday to Thursday 12:00 to 23:00 and Friday to Saturday 12:00 to 00:00. However, this is not reflected on the public register as of yet. We additionally request that the operating hours on Friday and Saturday are also 12:00 to 23:00 due to the venue being so close to the hostel and the vulnerability of the residents.

Another venue some 45 yards from the hostel (licence 93163 SPM Restaurants Ltd) have had the following committee conditions applied and we would request the same for this venue:

NUSIANCE

Clear legible notices to be displayed at all exits/entrances to the premises requesting patrons to consider the needs of local residents and to leave the premises and area quietly.

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52, Allison Street Digbeth Birmingham

B5 5TH

That external notices are displayed requesting that patrons respect nearby residents and keep noise levels to a minimum.

That all doors and windows remain closed during regulated entertainment in the premises.

That the licence holder/DPS ensures daily litter patrols to clear litter from all external areas and that external litter bins are provided.

That bottle bins are not to be emptied after 10pm (we request 9pm) or before 8am.

No deliveries to the premises to be permitted after 6pm or before 8am.

There has been a launch event at the premises and there was a problem with smoking and talking, directly outside the venue on the pavement, which can be heard by residents at the back of the hostel. To minimise the effect on our residents we would request that the side entrance onto Shaws Passage is used after 9pm for people smoking, entering/leaving and notices displayed as stated above to be considerate of neighbours with regard to noise.

Hennesseys Bars Limited (licence 108293) further down the road on Allison Street had additional conditions applied to protect the residents of the Brolley Works flats opposite from public nuisance. We would request the following for this venue:

- Shaws Passage entrance/exit to be used after 9pm.
- Taxis to pick up/drop off on Shaws Passage.
- The consumption of alcohol and food on the premises only no consumption outside.

To date there has been no live or recorded music at the venue although this is planned for the coming weekend. There is very little if any noise insulation to their building

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52, Allison Street Digbeth Birmingham B5 5TH

therefore we are very concerned about the application to play live music (E) and recorded music (F).

If we are subject to noise nuisance we would request:

Noise attenuation works to the premises shall be approved and implemented to the reasonable satisfaction of Birmingham City Council Regulatory Services.

A noise limiting device is installed in the premises and set at a level agreed with Birmingham City Council Regulatory Services. All regulatory entertainment, live or recorded shall be controlled by the limiter.

If you require any further information please do not hesitate to contact me.

Regards,

Allison House Hostel 52 Allison Street Digbeth B5 5TH

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Sizmingham City Counci

Birmingham	For help contact
Application for a premises licence	licensingonline@birmingham.gov.ul
Licensing Act 2003	Telephone: 0121 303 9896

* required information Section 1 of 21 You can save the form at any time and resume it later. You do not need to be logged in when you resume. This is the unique reference for this Not Currently In Use application generated by the system. You can put what you want here to help you Your reference Warehouse cafe bar track applications if you make lots of them. It is passed to the authority. Put "no" if you are applying on your own Are you an agent acting on behalf of the applicant? behalf or on behalf of a business you own or REGWEATION & ENFORCEMENT No C Yes LICENSING SECTION DATE RECEIVED **Applicant Details** 18 FEB 2019 * First name Emmanuel REF NO Blondel * Family name THATES * E-mail Include country code. Main telephone number Other telephone number ☐ Indicate here if you would prefer not to be contacted by telephone Are you: Applying as a business or organisation, including as a sole trader A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are C Applying as an individual applying so you can be employed, or for some other personal reason, such as following a hobby. **Applicant Business** Is your business registered in Yes C No Note: completing the Applicant Business the UK with Companies section is optional in this form. House? Registration number 11807406 If your business is registered, use its Business name The Warehouse Cafe Co-operative Limited registered name. Put "none" if you are not registered for VAT. VAT number Legal status Private Limited Company

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Carting of Summary and Summary		
Continued from previous page		7
Your position in the business	Director	71
Home country	United Kingdom	The country where the headquarters of your business is located.
Registered Address		Address registered with Companies House.
Building number or name	54-57	
Street	Allison Street	
District	Digbeth	
City or town	Birmingham	
County or administrative area	Birmingham	
Postcode	b5 5th	
Country	United Kingdom	
	•	
Section 2 of 21		
PREMISES DETAILS		
I/we, as named in section 1, ap described in section 2 below (in accordance with section 12	oply for a premises licence under section 17 of t the premises) and I/we are making this applicat of the Licensing Act 2003.	he Licensing Act 2003 for the premises ion to you as the relevant licensing authority
Premises Address		
Are you able to provide a post	tal address, OS map reference or description of t	the premises?
	p reference C Description	
Postal Address Of Premises		
Building number or name	55-57	
Street	Allison Street	
District	Digbeth	
City or town	Birmingham	
County or administrative area	Birmingham	
Postcode	b5 5th	•
Country ·	United Kingdom	
Further Details		. '
Telephone number		
Non-domestic rateable value of premises (£)	5,003].

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Secti	ion 3 of 21	
	LICATION DETAILS	
In wh	nat capacity are you appi	ying for the premises licence?
	An individual or individi	uals
\boxtimes	A limited company / lim	nited liability partnership
	A partnership (other tha	an limited liability)
	An unincorporated asso	ociation
	Other (for example a sta	atutory corporation)
	A recognised club	
	A charity	
	The proprietor of an edu	ucational establishment
	A health service body	
	• =	red under part 2 of the Care Standards Act
ப	2000 (c14) in respect of	an independent hospital in Wales
	Social Care Act 2008 in r	red under Chapter 2 of Part 1 of the Health and respect of the carrying on of a regulated uning of that Part) in an independent hospital in
	The chief officer of polic	ce of a police force in England and Wales
Conf	firm The Following	
	I am carrying on or prop the use of the premises i	posing to carry on a business which involves for licensable activities
\boxtimes	I am making the applica	ation pursuant to a statutory function
	I am making the applica virtue of Her Majesty's p	ation pursuant to a function discharged by prerogative
	on 4 of 21	
NON	INDIVIDUAL APPLICAN	ль
Provi partn	de name and registered ership or other joint ven	address of applicant in full. Where appropriate give any registered number. In the case of a sture (other than a body corporate), give the name and address of each party concerned.
Non	Individual Applicant's N	Name
Name	e	The Warehouse Cafe Co-operative
Deta	ils	
	stered number (where icable)	11807406
Descr	ription of applicant (for e	example partnership, company, unincorporated association etc)

Continued from previous page	
Co-operative business	
Address	
Building number or name	54-57
Street	Allison Street
District	Digbeth
City or town	Birmingham
County or administrative area	West Midlands
Postcode	b5 5th
Country	United Kingdom
Contact Details	
E-mail	
Telephone number	
Other telephone number	
* Date of birth	
	dd mm yyyy
* Nationality	Spain Documents that demonstrate entitlement to work in the UK
	Add another applicant
Section 5 of 21	
OPERATING SCHEDULE	
When do you want the premises licence to start?	20 / 02 / 2019 dd mm yyyy
If you wish the licence to be valid only for a limited period, when do you want it to end	dd mm yyyy
Provide a general description of	of the premises
licensing objectives. Where you	ses, its general situation and layout and any other information which could be relevant to the ur application includes off-supplies of alcohol and you intend to provide a place for plies you must include a description of where the place will be and its proximity to the
public space is fully interior, wit	ull kitchen attached. It resides inside the Birmingham Friends of the Earth building, and the the rooms on every side of it and double glazing in the front which should greatly reduce the eet. The room has an elevated area which will have a ramp for accessibility purposes.

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Continued from previous	s page	
If 5,000 or more people		
expected to attend the premises at any one tis		
state the number expe		
attend		
Section 6 of 21	<u></u>	
PROVISION OF PLAYS	,	
See guidance on regul	ated entertainment	
Will you be providing p	olays?	
∩ Yes	No No	
Section 7 of 21		
PROVISION OF FILMS		
See guidance on regul	ated entertainment	
Will you be providing f	ilms?	
C Yes	No No	
Section 8 of 21		
PROVISION OF INDOO	R SPORTING EVENTS	
See guidance on regula	ated entertainment	
Will you be providing i	ndoor sporting events?	
○ Yes	⊙ No	
Section 9 of 21		
PROVISION OF BOXIN	G OR WRESTLING ENTERTA	INMENTS
See guidance on regula	ated entertainment	
Will you be providing b	ooxing or wrestling entertain	ments?
C Yes	No	
Section 10 of 21		
PROVISION OF LIVE M	USIC	
See guidance on regula	ated entertainment	
Will you be providing li	ive music?	
Yes	C. No	
Standard Days And Ti	mings	
MONDAY		City stimulator in 24 hours along
	Start	Give timings in 24 hour clock. End (e.g., 16:00) and only give details for the days
		of the week when you intend the premises
	Start	End to be used for the activity.
TUESDAY		
	Start	End
	Start	End

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Continued from previous page			
	•		
WEDNESDAY		. [
Start		End	•
Start		End	
THURSDAY			
Start	19:00	End 00:00	
Start		End	
FRIDAY			•
Start	19:00	End 01:30	
Start		End	
SATURDAY			
Start	15:00	End 01:30	
Start		End	
SUNDAY			
Start		End	
Start		End	
Will the performance of live m		L	Where taking place in a building or other
• Indoors		Both	structure tick as appropriate. Indoors may include a tent.
State type of activity to be aut exclusively) whether or not mu			urther details, for example (but not
The capacity of the space is un have amplified Thursday-Sund			ght jazz club that met there. If and when we ight.
State any seasonal variations f	or the performance of live mu	sic	
For example (but not exclusive	ely) where the activity will occu	ur on additional da	ys during the summer months.
Non-standard timings. Where in the column on the left, list b		he performance of	live music at different times from those listed
For example (but not exclusive	ely), where you wish the activit	y to go on longer o	on a particular day e.g. Christmas Eve.
1. Whatever			and the state of t

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Continued from previous	page		
Section 11 of 21			
PROVISION OF RECO	RDED MUSIC	-	
See guidance on regul	ated entertainment		
Will you be providing	recorded music?		
Yes	← No		
Standard Days And T	imings		
MONDAY			Give timings in 24 hour clock.
	Start	End	(e.g., 16:00) and only give details for the day
	Start	End	of the week when you intend the premises to be used for the activity.
TUESDAY			•
,000,00	Start	End	1
	Start	End] .
	Start	Lilu	J
WEDNESDAY			1
	Start	End	7
	Start	End	
THURSDAY			<u></u>
	Start 19:00	End 00:00	
	Start	End	
FRIDAY	•		
	Start 19:00	End 01:30	
	Start	End	
SATURDAY			
3,1,01.211	Start 19:00	End 01:30	
	Start	End	
,,,,,,,,	State	Lind	J
SUNDAY	<u> </u>	r 1	
	Start	End	
	Start	End	
Will the playing of reco	rded music take place indoors	or outdoors or both?	Where taking place in a building or other structure tick as appropriate. Indoors may
• Indoors	Outdoors	C Both	include a tent.
	be authorised, if not already so not music will be amplified or		urther details, for example (but not
available for hire for pa	rties and events, and some of t	he time it is bound to ha	nded to be a club by any stretch, it will be we recorded electronic music. BFotE, who relationship with neighbours. The room is

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Continued from previous page fully interior, with rooms on precaution to avoid disturbed	all sides and double glazing to the front, so sound is minimal, but still we will make every
State any seasonal variation	s for playing recorded music
For example (but not exclus	ively) where the activity will occur on additional days during the summer months.
Non-standard timings. When in the column on the left, lis	re the premises will be used for the playing of recorded music at different times from those listed t below
For example (but not exclus	ively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
Section 12 of 21	
PROVISION OF PERFORMA	NCES OF DANCE
See guidance on regulated	entertainment
Will you be providing perfor	mances of dance?
○ Yes	No No
Section 13 of 21	
PROVISION OF ANYTHING DANCE	OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF
See guidance on regulated	entertainment
Will you be providing anyth performances of dance?	ing similar to live music, recorded music or
C Yes	No No
Section 14 of 21	
LATE NIGHT REFRESHMEN	
Will you be providing late ni	ght refreshment?
Section 15 of 21	
SUPPLY OF ALCOHOL	
Will you be selling or supply	ing alcohol?
Yes	○ No
Standard Days And Timing	js
MONDAY	
Sta	Give timings in 24 hour clock. rt 12:00 End 23:00 (e.g., 16:00) and only give details for the days
Sta	of the week when you intend the premises
Sta	re produce to be used for the activity.

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Continued from previous	s page		
TUESDAY			
	Start 12:00	End 23:00	
	Start	End	
WEDNESDAY			
	Start 12:00	End 00:00	<u>'</u>
	Start	End	
THURSDAY			
	Start 12:00	End 01:00	·
	Start	End	
FRIDAY			
	Start 12:00	End 02:00	•
	Start	End	
SATURDAY			•
	Start 12:00	End 02:00	
	Start	End	
SUNDAY			
	Start 12:00	End 23:00	
	Start	End	
Will the sale of alcohol l	be for consumption:		If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol
C On the premises	○ Off the premises	Both	is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.
State any seasonal varia	ations		
For example (but not ex	xclusively) where the activity will	l occur on additional da	ys during the summer months.
Non-standard timings. \ column on the left, list b		l for the supply of alcoho	ol at different times from those listed in the
For example (but not ex	cclusively), where you wish the a	ctivity to go on longer o	on a particular day e.g. Christmas Eve.

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Continued from previous page		
State the name and details of t licence as premises supervisor	the individual whom you wish to specify on the	
Name		
First name	Emmanuel	
Family name	Blondel	
Date of birth	dd mm yyyy	
Enter the contact's address		
Building number or name	<u> </u>	
Street		
District		
City or town	ran-	
County or administrative area		
Postcode	('
Country		
Personal Licence number (if known)	094785	
Issuing licensing authority (if known)	Colchester Borough Council	
	MISES SUPERVISOR CONSENT	
How will the consent form of the supplied to the authority?	he proposed designated premises supervisor	
, ,	posed designated premises supervisor	
C As an attachment to this	application	
Reference number for consent form (if known)		If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.
Section 16 of 21		Telefence.
ADULT ENTERTAINMENT		
Highlight any adult entertainm premises that may give rise to	nent or services, activities, or other entertainmer concern in respect of children	nt or matters ancillary to the use of the
rise to concern in respect of ch	ng intended to occur at the premises or ancillar, ildren, regardless of whether you intend childre semi-nudity, films for restricted age groups etc.	en to have access to the premises, for example

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Section 17 of 21	•	•			
HOURS PREMISES AF	RE OPEN TO	THE PUBLIC			
Standard Days And			<u></u>		
MONDAY					
	Start 0	8:00	End	24:00	Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days
	Start		End		of the week when you intend the premises to be used for the activity.
TUESDAY	L	J			as the desiring.
	Start 0	8:00	End	24:00	
	Start		End		
WEDNESDAY	_	1			
· · · · · · · · · · · · · · · · · · ·	_	8:00	End	00:30	
	Start		End		
THURSDAY	_				
	Start 08	3:00	End	02:00	
	Start		End		
FRIDAY	_				
	Start 08	3:00	End	02:30	
	Start		End		
SATURDAY					
	Start 08	3:00	End	02:30	
	Start		End		
SUNDAY					
	Start 12	2:00	End	23:00	
	Start		End		
State any seasonal vari	iations				
For example (but not e	xclusively)	where the activ	ity will occur on a	dditional day	ys during the summer months.

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Continued from previous page
Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below
For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
Section 18 of 21
LICENSING OBJECTIVES
Describe the steps you intend to take to promote the four licensing objectives:
a) General – all four licensing objectives (b,c,d,e)
List here steps you will take to promote all four licensing objectives together.
The business plan is that of a cafe during the day, and a specialty craft beer and gin bar in the evening that gets booked for events, not a full time boozer. Combined this with the status of the cafe as a vegetarian restaurant inside the Friends of the Earth building should create a self selecting client base that isn't likely to cause trouble.
b) The prevention of crime and disorder
The staff leadership are well versed in identifying problem customers and denying them service and evicting them in the unlikely event that they might cause trouble. While we are applying for a late night license Thursday to Saturday this is not expected to be used in the vast majority of nights, simply for booked events upon occasion.
c) Public safety
While the cafe might be open to the street in the summer months during the day, it will be self contained in the evenings, and most events are not going to be focused on drinking. The building already has cctv inside and out, lights out the front, and while we aim to have full training, a number of us have experience in de-escalation, mediation and conflict management.
d) The prevention of public nuisance
We will wish to maintain a good relationship between Birmingham FotE and their neighbours, as well as developing a working relationship with them ourselves. Fortunately the space is fully internal to the building, with the main room having thick walls and other rooms on each side, which will greatly minimise any noise to the neighbours. We will also have signs requesting that patrons keep noise to a minimum and given our position within the FotE building we will judge very harshly any littering and damage to the local environment.
e) The protection of children from harm
Children will be welcome in the space during the day, we will have an area of the room specially for them, with sofas and toys etc, but visible to the rest of the room. We intend to operate a 'no children after 8pm' policy except in special cases. For

Children will be welcome in the space during the day, we will have an area of the room specially for them, with sofas and toys etc, but visible to the rest of the room. We intend to operate a 'no children after 8pm' policy except in special cases. Fo larger events such as the feminist free school that will be using the space (perhaps before we have moved in) they are booking other rooms in the building.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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. \cdot

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.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

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:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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.
 - o 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.

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- 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:
 - o 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;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o 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.

Section 21 of 21

PAYMENT DETAILS

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

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

To find out a premises non domestic rateable value go to the Valuation Office Agency site at https://www.tax.service.gov.uk/business-rates-find/search

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

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

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college. If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time Capacity 5000-9999 - £1,000.00

Capacity 10000 -14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

190.00

DECLARATION

[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).

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

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

* Full name	Emmanuel Blondel
* Capacity	Director
* Date	18 / 02 / 2019 dd mm yyyy
	Add another signatory

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

1. Save this form to your computer by clicking file/save as...

2. Go back to https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/apply-1 to upload this file and continue with your application.

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

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

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