

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee C</b>
<b>Report of:</b>	<b>Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Wednesday 31<sup>st</sup> July 2019</b>
<b>Subject:</b>	<b>Licensing Act 2003 Temporary Event Notice</b>
<b>Premises:</b>	<b>The Sun at the Station, 7 High Street, Kings Heath, Birmingham, B14 7BB</b>
<b>Ward affected:</b>	<b>Brandwood &amp; Kings Heath</b>
<b>Contact Officer:</b>	<b>Shaid Yasser, Senior Licensing Officer 0121 303 9896 <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

To consider the objections to the Temporary Event Notice (TEN), which seeks to permit the sale of alcohol (for consumption on the premises), the provision of regulated entertainment and the provision of late night refreshment on 4<sup>th</sup> August 2019, to operate from 12:00midday until 03:00am (the following day).

### 2. Recommendation:

To consider the objection notices made by West Midlands Police and Environmental Health.

### 3. Brief Summary of Report:

A Temporary Event Notice was received on 17<sup>th</sup> July 2019 in respect of The Sun at the Station, 7 High Street, Kings Heath, Birmingham, B14 7BB.

An objection notice has been received from West Midlands Police and Environmental Health.

### 4. Compliance Issues:

When carrying out its licensing functions, a licensing authority must have regard to the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

#### 4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

<p><b>5. Relevant background/chronology of key events:</b></p> <p>Darren Paul submitted on 17<sup>th</sup> July 2019 a Temporary Event Notice in respect of The Sun at the Station, 7 High Street, Kings Heath, Birmingham, B14 7BB.</p> <p>The Temporary Event Notice is attached at Appendix 1.</p> <p>An objection notice has been received from West Midlands Police, see Appendix 2.</p> <p>An objection notice has been received from Environmental Health, see Appendix 3.</p> <p>The current premises licence is attached at Appendix 4.</p> <p>Site location plans are attached, see Appendix 5.</p> <p>Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.</p> <p>However, the police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a TEN.</p> <p>Where a TEN is submitted, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.</p> <p>When giving a TEN, consideration should be given to the following four licensing objectives:</p> <ol style="list-style-type: none"> <li>1. The prevention of crime and disorder</li> <li>2. public safety</li> <li>3. The prevention of public nuisance; and</li> <li>4. The protection of children from harm</li> </ol> <p>If the TEN is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives.</p>
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<p><b>6. List of background documents:</b></p> <p>Temporary Event Notice is attached at Appendix 1.</p> <p>Objection Notice from West Midlands Police, attached at Appendix 2.</p> <p>Objection Notice from Environmental Health, attached at Appendix 3.</p> <p>Current premises licence, Appendix 4.</p> <p>Site location plans, Appendix 5.</p>
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<p><b>7. Options available</b></p> <p>Allow the proposed temporary licensable activities as stated in the TEN</p> <p>Impose conditions on a TEN to promote the licensing objectives</p> <p>Refuse the proposed temporary licensable activities as stated in the TEN</p>
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**Birmingham**  
**Temporary Event Notice**  
**Licensing Act 2003**

For help contact  
[licensingonline@birmingham.gov.uk](mailto:licensingonline@birmingham.gov.uk)  
 Telephone: 0121 303 9896

\* required information

**Section 1 of 9**

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

System reference

Not Currently In Use

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

Your reference

4THJD

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

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

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

**Applicant Details**

\* First name

darren

\* Family name

paul

\* E-mail

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

☐ Applying as an individual

REGULATION & ENFORCEMENT  
 LICENSING SECTION  
 DATE RECEIVED

17 JUL 2009

REF NO

INITIALS

Include country code.

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

**Applicant Business**

Is your business registered in the UK with Companies House?

☒ Yes

☐ No

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

Registration number

11069269

Business name

station t/as central trading sites

If your business is registered, use its registered name.

VAT number

-

Put "none" if you are not registered for VAT.

Legal status

Private Limited Company

**Continued from previous page...**

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 9**

**APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)**

Have you had any previous or maiden names?

☐ Yes

☒ No

\* Your date of birth

dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

**Correspondence Address**

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

#### Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

#### Section 3 of 9

#### THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

\* Does the premises have an address?

☒ Yes

☐ No

#### Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

\* Building number or name

station p/h no 7

\* Street

kings heath

District

kings heath

\* City or town

birmingham

County or administrative area

west mids

\* Postcode

b14 7bb

\* Country

United Kingdom

\* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither

☒ Premises licence

☐ Club premises certificate

\* Premises licence number

64

#### Location Details

\* Provide further details about the location of the event

event to take place on the premises. the premises in question has a premises license already

**Continued from previous page...**

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Describe the nature of the premises below (see also guidance on completing the form, note 4)

public house

Describe the nature of the event below (see also guidance on completing the form, note 5)

bbq, cocktail party, live music & dj

#### Section 4 of 9

#### LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☒ The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 8).

#### Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date       /  /   
   dd           mm           yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date             /  /   
   dd           mm           yyyy

**Continued from previous page...**

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

12:00pm on 4th to 03:00am on 5th

(see also guidance on completing the form, note 10)

State the maximum number of people at any one time that you intend to allow to be present at the premises

during the times when you intend to carry on licensable activities, including any staff, organisers or performers

500

(see also guidance on completing the form, note 11)

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 12):

- ☒ On the premises only  
☐ Off the premises only  
☐ Both

#### Section 5 of 9

##### RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

12:00 pm on 4th august to 03:00am on 5th august 2019

#### Section 6 of 9

##### PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence? ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority WEYMOUTH & PORTLAND COUNCIL

Licence number PA9030917203

Date of issue 15 / 10 / 2007  
dd mm yyyy

Any further relevant details

Continued from previous page...

**Section 7 of 9**

**PREVIOUS TEMPORARY EVENT NOTICES** (See also guidance on completing the form, note 15)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

☐ Yes

☒ No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐ Yes

☒ No

b) Begins 24 hours or less after the event period proposed in this notice?

**Section 8 of 9**

**ASSOCIATES AND BUSINESS COLLEAGUES** (See also guidance on completing the form, note 16)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes

☒ No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or  
b) Begins 24 hours or less after the event period proposed in this notice?

☐ Yes

☒ No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes

☒ No



**Continued from previous page...**

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

☐ Yes

☒ No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

#### Section 9 of 9

#### CONDITION (See also guidance on completing the form, note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

#### 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.

This formality requires a fixed fee of £21

#### DECLARATION (See also guidance on completing the form, note 19)

- \* THE INFORMATION CONTAINED IN THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT IT IS AN OFFENCE:
- \* (I) TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS TEMPORARY EVENT NOTICE AND THAT A PERSON IS LIABLE ON SUMMARY CONVICTION FOR SUCH AN OFFENCE TO A FINE OF ANY AMOUNT; AND
- (II) TO PERMIT AN UNAUTHORISED LICENSABLE ACTIVITY TO BE CARRIED ON AT ANY PLACE AND THAT A PERSON IS
- \* LIABLE ON SUMMARY CONVICTION FOR ANY SUCH OFFENCE TO A FINE OF ANY AMOUNT, OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING SIX (6) MONTHS, OR TO BOTH.

☒ 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

\* Capacity

\* Date  /  /   
dd mm yyyy

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

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/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.

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**From:** bw licensing  
**Sent:** 23 July 2019 12:42  
**To:** Licensing Online; bw licensing; Pollution Team  
**Subject:** RE: TEN; Station P/H No 7

Licensing,

West Midlands Police formally make representation to the grant of this temporary events notice on the grounds we believe that the licensing objectives the prevention of crime and disorder and public safety will not be promoted.

West Midlands Police believe that the event is not been planned and risk assessed correctly with information on websites that the event is in conjunction with another venue and there will be over 2000 people attended this event alone!

Regards

PC 1978 Walker  
Birmingham Police Central Licensing Team  
Birmingham Partnerships  
Lloyd House

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**From:** Martin Key  
**Sent:** 23 July 2019 15:05  
**To:** Licensing; Licensing Online  
**Cc:** Pollution Team; URL Urban Rural Leisure; 'bw\_licensing@west-midlands.pnn.police.uk'; Pollution Team  
**Subject:** RE: TEN; Station P/H No 7  
**Importance:** High

Hi

I am responding on behalf of the Environmental Health team as a responsible authority. I have received an application from Darren Paul for a TEN for alcohol sale, regulated entertainment and late night refreshment for an event described as a BBQ, cocktail party, live music & DJ on 4/5 August 2019 between the hours of 12.00 and 03.00 at The Station, & High Street, Kings Heath, Birmingham, B14 7BB. The form indicated it was a late TEN but I assume as it was sent on 18 July 2019 it would be a standard TEN.

I have reviewed the application and sought additional information from the applicant (which they provided below). My primary concerns were:-

1. The late hour requested (03.00 on Monday 5 August 2019)
2. The hours requested overlaps the existing hours under the premises licence which would effectively disapply all licence
3. No effective operational controls
4. lack of detail of where the event is proposed to take place given that it proposes 499 people
5. The application refers to relevant entertainment – what is proposed?
6. No details of what steps will be employed to address the licensing objectives particularly public nuisance.

The applicant has responded but the information provided does not satisfy me that the event will be held avoiding public nuisance. Based on the information provided, the absence of any real detail of the event and how the licensing objectives will be addressed and given the proposed event type, terminal hour and location, I would object to the grant of the TEN on the basis of the of impact on the licensing objective of the prevention of public nuisance.

Best Regards

Martin Key  
 Environmental Protection Officer

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Environmental Health | Regulation & Enforcement Division

✉: Environmental Health, Manor House, PO Box 16977, Birmingham, B2 2AE  
 (Office Site: Environmental Protection, 1<sup>st</sup> Floor, 40 Moat Lane, Birmingham, B5 5BD)  
 🌐: [www.birmingham.gov.uk/eh](http://www.birmingham.gov.uk/eh) | Facebook: ehbbham | Twitter: @ehbbham

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## BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

64

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
The Sun at the Station 7 High Street Kings Heath	
<b>Post town:</b>	<b>Post Code:</b>
Birmingham	B14 7BB
<b>Telephone Number:</b>	
Not specified	

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

B	Films
E	Live music
F	Recorded music
H	Anything of similar description to that falling within (live music), (recorded music) or (performances of dance)
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

**The times the licence authorises the carrying out of licensable activities**

Sunday – Wednesday	10:00	-	00:00	B,E,F,H,M3
	23:00	-	01:00	L
Thursday – Saturday	10:00	-	01:00	B,E,F,H,M3
	23:00	-	02:00	L

Private entertainment for gain may be provided throughout the premises without limitation.

An additional hour into the following morning every Friday, Saturday, Sunday and Monday of each statutory bank holiday weekend, the Thursday preceding Good Friday and Christmas Eve.

An additional hour into the following morning every St. David's Day, St. Patrick's Day, St. George's Day, and St. Andrews Day subject to seven days notice to, and agreement with, the Police.

On no more than 12 occasions of local, national or international significance or charitable events per year the finish time may be extended by one hour subject to 21 days notice to, and agreement with, the Police; the Police to have absolute discretion to agree the extension.

New Year's Eve – from end of permitted hours to commencement of permitted hours New Year's Day

**BIRMINGHAM CITY COUNCIL**

**The opening hours of the premises**

Sunday – Wednesday	09:00	-	01:00
Thursday – Saturday	09:00	-	02:00

An additional hour into the following morning every Friday, Saturday, Sunday and Monday of each statutory bank holiday weekend, the Thursday preceding Good Friday and Christmas Eve.

An additional hour into the following morning every St. David's Day, St. Patrick's Day, St. George's Day, and St. Andrews Day subject to seven days notice to, and agreement with, the Police.

On no more than 12 occasions of local, national or international significance or charitable events per year the closing time may be extended by one hour subject to 21 days notice to, and agreement with, the Police; the Police to have absolute discretion to agree the extension.

New Year's Eve – from end of standard hours to commencement of standard hours New Year's Day

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

Both On and Off Supplies

BIRMINGHAM CITY COUNCIL

Part 2

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Punch Taverns Limited Jubilee House Second Avenue	
<b>Post town:</b> Burton-Upon-Trent	<b>Post Code:</b> DE14 2WF
<b>Telephone Number:</b>	
<b>Email</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b> 03752645
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Darren John Paul Station Public House 7 Kings Heath High Street	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B14 7BB
<b>Telephone Number:</b> None Specified	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> PA9030917203	<b>Issuing Authority</b> WEYMOUTH & PORTLAND BOROUGH COUNCIL

Dated 31/07/2007



Annette Wright  
Principal 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."

(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

## BIRMINGHAM CITY COUNCIL

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.

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.

### Embedded Restrictions

Licensable activities may continue beyond the times specified in the embedded restrictions up to the times the premises licence authorises the carrying out of licensable activities.

The times the Licence authorises the sale of alcohol do not prohibit: (a) during the first twenty minutes after the said times, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel; (b) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises; (c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (d) the sale of alcohol to a trader or club for the purposes of the trade or club; (e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces; (f) the taking of alcohol from the premises by a person residing there; or (g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or (h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

This licence is granted subject to compliance with the conditions attached to the Public Entertainment Licence, previously issued in respect of these premises, as detailed in document reference number: PEL4.6 (copies of which are available upon request from the Licensing Section)

Where the number of children attending the entertainment exceeds 100 the licensee shall ensure the provisions of Section 12 of The Children and Young Persons Act 1933 are complied with.

The embedded restrictions set out above are subject to the sub-heading below:-

Conditions formally imposed on the Licence which have been removed as a consequence of the variation application reference number **28145-64/1**

To remove the restrictions and effects of Section 168 and 171 Licensing Act 1964 so as to allow the provisions under the Licensing Act 2003 to apply in relation to children.

To remove the restrictions on the consumption of alcohol as set out in Section 63(1) Licensing Act 1964



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(drinking up time).

To remove the restrictions on credit sales in place by Section 166 Licensing Act 1964.

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**Annex 2 – Conditions consistent with operating schedule**

**2a) General conditions consistent with the operating schedule**

No adult entertainment or services are permitted on the premises, with the exception of AWP machines.

Regulated entertainment is permitted to take place inside the premises only.

Where appropriate, non alcoholic refreshment will be available in the extended period.

The Licence Holder will ensure the premises respect Spirit Group's Approach to Responsible Drinking.

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

The Licence Holder shall ensure a zero tolerance towards illegal drugs will be enforced at all times on the premises.

If a disk jockey is used on any night at the premises, then he/she will ask patrons to leave the premises quietly.

The Licence Holder shall ensure that all instances of crime and disorder are reported to the police and an incident log book will be kept and maintained on the premises.

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

The Licence Holder shall ensure that all management and staff are trained to the standards required by the relevant Health and Safety legislation.

Free drinking water will be available at all times.

Maximum occupancy figures apply as follows:-

Function Room - 100.

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

The Licence Holder shall ensure additional patrols are carried out by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises..

Notices will be displayed on the premises, asking customers to respect local residents when leaving the premises.

Soft drinks and non-alcoholic refreshment will be available during any extended period between the cessation of the supply of alcohol and the closure of the premises.

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

Whenever children are permitted on the premises, any entertainment offered within the premises will be suitable for persons of that age.

Persons under the age of 16 must be supervised by an accompanying adult at all times.

A no-smoking area will be provided on the premises.

Soft drinks and non-alcoholic drinks will be available.

A recognised Proof of Age Policy is in force on the premises.

Persons under the age of 18 are not permitted to play on Section 34 permitted AWP machines.

Persons under the age of 16 are not permitted in the area immediately adjacent to the bar servery.

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**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

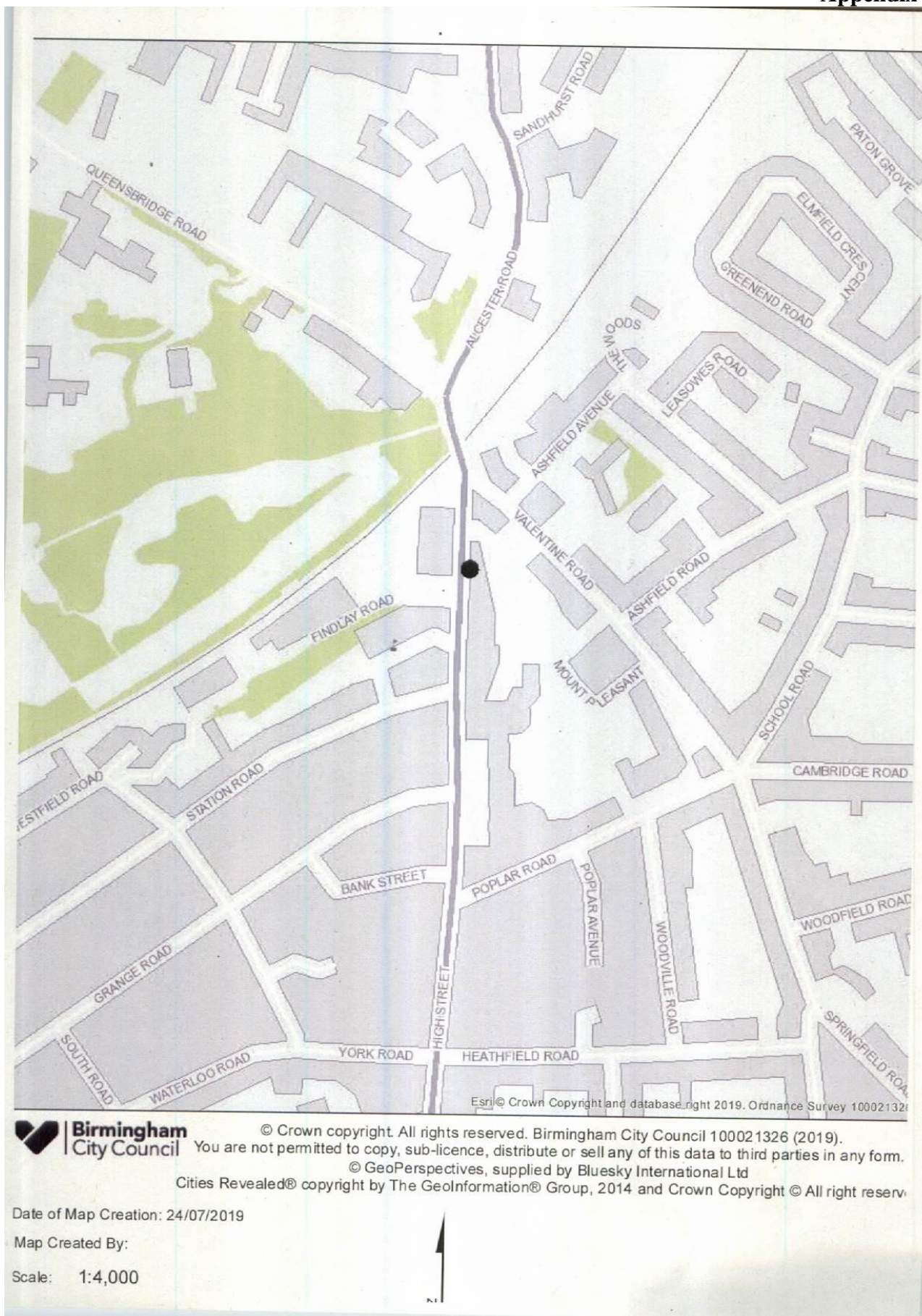
**3e) Committee conditions to promote the protection of children from harm**

N/A

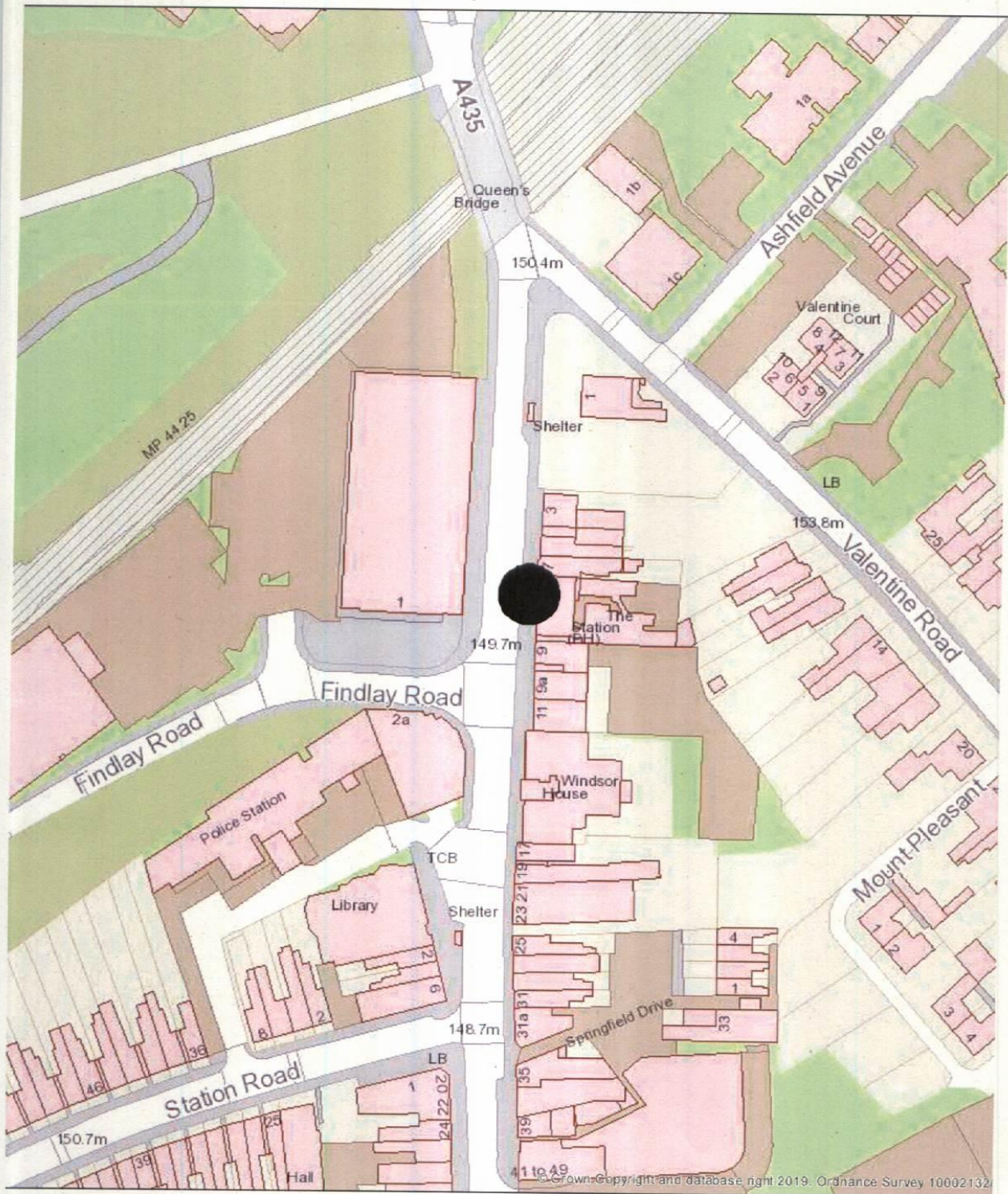
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**Annex 4 – Plans**

The plan of the premises with reference number **48122-64/3 (Drawing No. M2299)** 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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Scale: 1:1,250

