

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 3rd November 2021
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	Nuvo, 11 Brindley Place, Birmingham, B1 2LP
Ward affected:	Ladywood
Contact Officer:	Shaid Yasser, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider a relevant representation that has been made in respect of an application to vary the Premises Licence.

The application seeks to remove the following committee imposed conditions on the premises licence:

- Where the first floor is open to the public the premises shall have a minimum of 10 SIA registered door supervisors; 5 from 22:00 hours and a further 5 from 23:00 hours or a number that is higher and identified in the risk assessment unless a lower number is agreed in writing with West Midlands Police. Door staff will not be allowed to leave the premises until authorised by the Designated Premises Supervisor (DPS) / Premises Licence Holder or an appointed manager. The SIA registered door supervisors will be deployed and operate in accordance with the security policy.
- Polycarbonate and / or plastic receptacles and mixer bottles will be used on the first floor of the premises save for Champagne and Speciality Spirit glass bottles and champagne flutes.
- No glassware from the ground floor shall be permitted to be taken to the first floor.

The application seeks to remove, amend and update several conditions on the premises licence. These conditions are detailed in the application form, which is attached to this report at Appendix 2.

The application also seeks to reduce the terminal hour for all licensable activities and opening hours on a Friday & Saturday to 3am and 3.30am respectively but retain the terminal hour for all licensable activities and opening hours on a Thursday & Sunday at 4am and 4.30am respectively.

2. Recommendation:

To consider the representation that has been made and to determine the application.

3. Brief Summary of Report:

Variation application received on 12th September 2021 in respect of Nuvo, 11 Brindley Place, Birmingham, B1 2LP.

A representation has been received from West Midlands Police, as a responsible authority.

4. Compliance Issues:
4.1 Consistency with relevant Council Policies, Plans or Strategies:
<p>The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.</p>
5. Relevant background/chronology of key events:
<p>C & K Bars and Restaurants Limited applied on 12th September 2021 to vary the Premises Licence for Nuvo, 11 Brindley Place, Birmingham, B1 2LP.</p> <p>Representations have been received from West Midlands Police as a responsible authority, which are attached at Appendix 1.</p> <p>The application is attached at Appendix 2.</p> <p>The current premises licence is attached at Appendix 3.</p> <p>Site Location Plans at Appendix 4.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ol style="list-style-type: none"> The prevention of crime and disorder; Public safety; The prevention of public nuisance; and The protection of children from harm.
6. List of background documents:
<p>Copy of the representation as detailed in Appendix 1</p> <p>Application Form, Appendix 2</p> <p>Current Premises Licence, Appendix 3</p> <p>Site Location Plans, Appendix 4</p>
7. Options available
<p>To grant the variation application</p> <p>To refuse the whole or part of the application</p> <p>To modify the conditions of the Licence</p>

From: bw licensing
Sent: 08 October 2021 09:40
To: Licensing
Cc: Duncan craig
Subject: FW: [External]: Variation - Nuvo REF: 1122914
Importance: High

Good Morning Licensing,

West Midlands Police object to this variation for Nuvo 11 Brindley Place B1.

The variation requests committee imposed operating conditions being removed / amended., which since being imposed have seen a dramatic decreased in incidents of crime & disorder at the premises hence increasing the safety of the public within the premises.

The objection is made under the prevention of crime & disorder and public safety licensing objectives.

West Midlands are in dialogue with the applicant and if agreement can be reached this objection may be withdrawn.

I have copied the premises barrister into this email.

Regards

Chris Jones 55410

Birmingham Central Licensing Team West Midlands Police



Birmingham
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

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

☐ Applying as an individual

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

Applicant Business

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

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

Registration number

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

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

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

☐ An agent that is a business or organisation, including a sole trader

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

☒ A private individual acting as an agent

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

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VARIATION

Do you want the proposed variation to have effect as soon as possible? ☒ Yes ☐ No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

☐ Yes ☒ No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

Continued from previous page...

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

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

City-centre restaurant. The premises now operates principally as a restaurant and has done for nearly two years, whenever it has been lawfully permitted to. The application is principally to remove three conditions and amend one condition that were imposed in 2017 following an expedited review of the premises. The three conditions proposed to be removed are no longer appropriate for the style of operation and are placing a disproportionate burden on the business. In conjunction with the removal/modification of these four conditions, it is proposed that other conditions on the premises licence will be modified to make them more onerous, enforceable and/or bring them up to date and a number of further conditions will be added to the licence in order to better promote the licensing objectives. The proposed modifications are as follows:

1. Removal of the following, non-mandatory conditions:

"Where the first floor is open to the public the premises shall have a minimum of 10 SIA registered door supervisors; 5 from 22:00 hours and a further 5 from 23:00 hours or a number that is higher and identified in the risk assessment unless a lower number is agreed in writing with West Midlands Police. Door staff will not be allowed to leave the premises until authorised by the Designated Premises Supervisor (DPS) / Premises Licence Holder or an appointed manager. The SIA registered door supervisors will be deployed and operate in accordance with the security policy."

"Polycarbonate and / or plastic receptacles and mixer bottles will be used on the first floor of the premises save for Champagne and Speciality Spirit glass bottles and champagne flutes."

"No glassware from the ground floor shall be permitted to be taken to the first floor."

2. Removal of the following condition to be replaced by one provided for in section 16, in order to amend the time that the ID Scanner is required to be operated at the premises from 22:00 to 23:00.

"The Premises Licence Holder shall maintain and operate an ID Scan which shall be used every Friday and Saturday from 22:00 hours, and on any occasion identified by West Midlands Police or by the Premises Licence Holders risk assessment. This is for all persons entering. The premises is to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY"."

3. Modification of the following conditions to reflect the closure of Steelhouse Lane (please see amended wording in section 16)

"The Licence Holder shall ensure that the premises will risk assess its standard operating procedure covering seven days a week, included in this risk assessment will be any security provisions. Copies of the risk assessments are to be made available to the Police at Steelhouse Lane (Licensing Department)."

"If the premises has any late night external promoter event, which is not part of the standard operating procedure, then the Licence Holder will ensure that a separate risk assessment is completed and forwarded to the Police at Steelhouse Lane Licensing Department, at least 28 days before the event."

4. Removal of following conditions to be replaced by more comprehensive, onerous conditions.

Continued from previous page...

"The Licence Holder shall ensure that CCTV is installed at the premises to the satisfaction of West Midlands Police. The CCTV system shall be in full working order, including all the cameras at all times when the premises are open for any licensable activity. The CCTV system must record and store images for a minimum of 30 days. These images must be available, with immediate access, to the Police and local authorities."

"The Licence Holder shall ensure that the premises will implement a Challenge 21 proof of age scheme."

"The Licence Holder shall ensure that the premises will comply with all fire safety and building regulation requirements."

5. A number of further conditions (as provided for in section 16) in order to better promote the licensing objectives.

It is proposed that the hours for all licensable activities currently authorised by the premises licence on a Friday and Saturday will be reduced by one hour as a result of this application.

The plan submitted under Regulation 23 of the Licensing Act 2003 (Premises licence and club premises certificate) Regulations 2005 is not subject to this application.

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to vary is successful?

☐ Yes

☒ No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes

☒ No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes

☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes

☒ No

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PROVISION OF LIVE MUSIC

Continued from previous page...

See guidance on regulated entertainment

Will the schedule to provide live music be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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

☒ Indoors ☐ Outdoors ☐ Both

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

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

State any seasonal variations for the performance of live music

Continued from previous page...

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

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

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

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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Continued from previous page...

SATURDAY

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SUNDAY

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End

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

☒ Indoors

☐ Outdoors

☐ Both

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

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

State any seasonal variations for playing recorded music.

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

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

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

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

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End

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

Continued from previous page...

TUESDAY

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SUNDAY

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

☒ Indoors

☐ Outdoors

☐ Both

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

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

State any seasonal variations for the performance of dance.

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

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

Continued from previous page...

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

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

See guidance on regulated entertainment

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

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End

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

TUESDAY

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WEDNESDAY

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SATURDAY

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Continued from previous page...

SUNDAY

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Provide a description of the type of entertainment that will be provided.

Will this entertainment take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

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

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

State any seasonal variations for entertainment.

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

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

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

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☒ Yes

☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

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End

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

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TUESDAY

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SUNDAY

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

☒ Indoors

☐ Outdoors

☐ Both

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

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

State any seasonal variations.

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

Continued from previous page...

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

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End

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

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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Will the sale of alcohol be for consumption?

☐ On the premises ☐ Off the premises ☒ Both

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

State any seasonal variations.

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

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

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

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ADULT ENTERTAINMENT

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

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

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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State any seasonal variations.

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

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

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

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Continued from previous page...

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

☐ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Not to hand

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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.

CCTV

1. A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.

i. The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.

ii. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.

iii. Cameras will encompass all ingress and egress to the premises, the immediate area outside the frontage of the Premises and all areas where the sale/supply of alcohol occurs.

iv. The system will record and retain CCTV footage for a minimum of 30 days.

v. The system will record at all times when the Premises are open.

vi. The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.

vii. The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.

viii. There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.

ix. Upon receipt of a request for a copy of CCTV footage from west Midlands Police, or Officers of any other Responsible Authority, the member of staff will produce the footage within 24 hours, or less if urgently required for investigations of serious crime.

x. CCTV footage must be made available to be viewed by West Midlands Police or an Officer of a Responsible Authority upon request or during an inspection.

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TRAINING

2. Training in relation to the Licensing Objectives and the conditions on the premises licence, Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers, incident records dispersal policy, the premises' drugs policy must be provided and undertaken by all members of staff (whether paid or unpaid) before he/she makes a sale or supply of alcohol and at least every six months thereafter.

3. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.

4. Documented training records must be kept at the premises and made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

REFUSALS

5. A Refusals Register must be kept at the Premises and maintained up to date at all times recording the date time, type of product refused, reasons for every refusal to sell alcohol to a customer and the name and signature of member of staff refusing the sale.

6. The Refusals Register must be made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

7. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Refusals Register every month and must sign and date the Refusals Register when this has been completed, or if the Refusals Register is electronic the check and date and time of the check must be clearly recorded.

b) The prevention of crime and disorder

8. The Licence Holder shall ensure that the premises will risk assess its standard operating procedure covering seven days a week, included in this risk assessment will be any security provisions. Copies of the risk assessments are to be made available to West Midlands Police Birmingham Licensing Department.

9. If the premises has any late night external promoter event, which is not part of the standard operating procedure, then the Licence Holder will ensure that a separate risk assessment is completed and forwarded to West Midlands Police Birmingham Licensing Department, at least 28 days before the event.

10. The Premises Licence Holder shall maintain and operate an ID Scan which shall be used every Friday and Saturday from 23:00 hours, and on any occasion identified by West Midlands Police or by the Premises Licence Holders risk assessment. This is for all persons entering. The premises is to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY".

c) Public safety

11. The Premises Licence Holder shall ensure that all emergency lighting is checked on a weekly basis. Entrances, exits and passageways shall be kept clear.

12. The Premises' Fire Risk Assessment will be made available to any officer of a responsible authority upon request.

13. The Premises Licence Holder shall ensure that the maximum number of persons on the premises at any one time shall

Continued from previous page...

not exceed the number agreed with West Midlands Fire Service

d) The prevention of public nuisance

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

15. The Premises shall have an operational dispersals policy and noise management plan.

e) The protection of children from harm

16. The Premises Licence Holder shall adopt the Challenge 25 Scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any bar service. The premises will operate a policy whereby any person attempting to buy alcohol or any person attempting to gain entry for premises who appears to be under 25 will be asked for photographic ID to prove their age. The ID that will be accepted is a passport or driving licence with a photograph.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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.
 - o 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:
 - o 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.

Continued from previous page...

- 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;
 - o 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 18 of 18

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 you are required to pay a higher fee

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

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

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

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

450.00

DECLARATION

1

Continued from previous page...

I/WE UNDERSTAND THAT 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.

☒ 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/premises-licence/birmingham/change-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, 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.

OFFICE USE ONLY

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

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 Next >

LICENSING ACT 2003**PREMISES LICENCE****Premises Licence Number:****3288 / 7****Part 1 - Premises details:**

Postal address of premises, or if none, ordnance survey map reference or description	
Nuvo 11 Brindley Place	
Post town:	Post Code:
Birmingham	B1
Telephone Number:	
Not Specified	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence	
E	Live music
F	Recorded music
G	Performances of dance
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				
Monday – Wednesday	10:00	-	02:00	E,F,G,H,M3
	23:00	-	02:00	L
Thursday - Sunday	10:00	-	04:00	E,F,G,H,M3
	23:00	-	04:00	L
From the start of permitted hours New Years Eve to the end of permitted hours on 2nd January				

The opening hours of the premises				
Monday – Wednesday	10:00	-	02:30	
Thursday – Sunday	10:00	-	04:30	
From the start of permitted hours New Years Eve to the end of permitted hours on 2nd January				

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

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence C & K Bars and Restaurants Ltd 1 Kings Avenue	
Post town: London	Post Code: N21 3NA
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 12279679
--

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Jan Miruszenko	
Post town:	Post Code:
Telephone Number: Not Specified	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 703	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 06/12/2019

Bhapinder Nandhra
Senior Licensing Officer
For Director of Regulation and Enforcement

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 alcohol; (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The Licence Holder shall ensure that a waiter and waitress service is provided throughout the premises during the hours of operation.

The Licence Holder shall ensure that there will be no permanent dance floor at the premises.

The Licence Holder shall ensure that the premises will risk assess its standard operating procedure covering seven days a week, included in this risk assessment will be any security provisions. Copies of the risk assessments are to be made available to the Police at Steelhouse Lane (Licensing Department).

If the premises has any late night external promoter event, which is not part of the standard operating procedure, then the Licence Holder will ensure that a separate risk assessment is completed and forwarded to the Police at Steelhouse Lane Licensing Department, at least 28 days before the event.

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

The Licence Holder shall ensure that CCTV is installed at the premises to the satisfaction of West Midlands Police. The CCTV system shall be in full working order, including all the cameras at all times when the premises are open for any licensable activity. The CCTV system must record and store images for a minimum of 30 days. These images must be available, with immediate access, to the Police and local authorities.

The premises shall implement and put into practice a drugs policy for the venue, as approved by West Midlands Police.

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

If an external door company is used, the venue must keep on the premises door staff profiles, which includes photo ID other than their SIA badge and a utility bill which must not be dated later than 6 months previously. The Licence Holder shall ensure that such profiles are made available for inspection by the Police or local authorities at any time and kept in a secure location. If any door supervisors leave the premises, the profile shall be retained on the premises for at least three months, following their departure.

If the premises use external door supervisors, these door supervisors must sign on and off duty every time they work. The signing sheet should include badge numbers and the sheet will be kept on the premises for a minimum of 30 days.

The Licence Holder shall ensure that the premises will comply with all fire safety and building regulation requirements.

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

The Licence Holder shall ensure that a noise limiting device is installed in the premises, set at a level so as not to cause nuisance to occupiers in the vicinity.

Use of the external area for consumption of alcohol will cease at midnight daily.

There shall be adequate supervision of the external area to ensure that local residents do not suffer disturbance as a consequence of its use.

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

The Licence Holder shall ensure that the premises will implement a Challenge 21 proof of age scheme.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Licensing Sub Committee A having considered an application for the summary review of the Premises Licence resolved on the 30th November 2017 to modify the conditions of licence as detailed under the appropriate objective below.

The Premises Licence holder shall maintain and keep under review a written policy document in respect of;

- 1) Search and Entry
- 2) Ejection
- 3) Incident & Crime Scene Management
- 4) Vulnerable Persons
- 5) Dispersal
- 6) VIP & 1st Floor Area

Information within the policies will become conditions of how the premises will operate. Any amendments to any policy must be sent to bw_licensing@west-midlands.pnn.police.uk by the Premises Licence Holder.

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

Where the first floor is open to the public the premises shall have a minimum of 10 SIA registered door supervisors; 5 from 22:00 hours and a further 5 from 23:00 hours or a number that is higher and identified in the risk assessment unless a lower number is agreed in writing with West Midlands Police. Door staff will not be allowed to leave the premises until authorised by the Designated Premises Supervisor (DPS) / Premises Licence Holder or an appointed manager. The SIA registered door supervisors will be deployed and operate in accordance with the security policy.

The premises must supply a full month's list of any promoter events in writing to the Licensing Department of West Midlands Police. The notification is to arrive by the 1st of every month. The monthly planner will include the name of the event, hours of opening, expected numbers and the number and working hours of door supervisors. The notification must include a completed risk assessment and notification will be sent via email to West Midlands Police Licensing Department. West Midlands Police retain the right to veto any event should one of the four licensing objectives be compromised or there is a potential threat to them being compromised. This is done in writing to the DPS at least 3 days after the notification.

Where the premises is being used for private functions the number and deployment of SIA registered door supervisors is to be subject to an individual event risk assessment. A copy of the risk assessment for each private event is to be maintained on the premises. A copy of the risk assessment shall be supplied, via email, to West Midlands Police Licensing Department no later than 3 days before the event. West Midlands Police will have the power of veto for any event, which if enforced will detail a full rationale behind the decision.

The Premises Licence Holder shall maintain and operate an ID Scan which shall be used every Friday and Saturday from 22:00 hours, and on any occasion identified by West Midlands Police or by the Premises Licence Holders risk assessment. This is for all persons entering. The premises is to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY".

The Premises Licence Holder shall maintain a bound and paginated incident log at the premises to be made available to an authorised officer of Birmingham City Council or West Midlands Police upon request. The incident log shall be updated within 24 hours of an incident where the entry is later it will record the date and reason for the delay. As a minimum it will record all crime reported to the venue, ejection of patrons, complaints concerning crime, disorder or public nuisance, incidents of crime, disorder or public nuisance, all seizure of drugs or offensive weapons; faults to the CCTV, refusal of alcohol sales, and visits by any of the responsible authorities or emergency services. The incident report must be signed nightly by the DPS / appointed manager and weekly by the Premises Licence Holder.

An up-to-date plan of the first floor is to be maintained showing the location of the VIP and other private booth areas. An up-to-date plan is to be provided to the Licensing Authority and West Midlands Police within three days of update or amendment.

Polycarbonate and / or plastic receptacles and mixer bottles will be used on the first floor of the premises save for Champagne and Speciality Spirit glass bottles and champagne flutes.

No glassware from the ground floor shall be permitted to be taken to the first floor.

No glassware to be taken to the external areas after 00:00 hours (midnight).

3c) Committee conditions to promote public safety

N/A

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

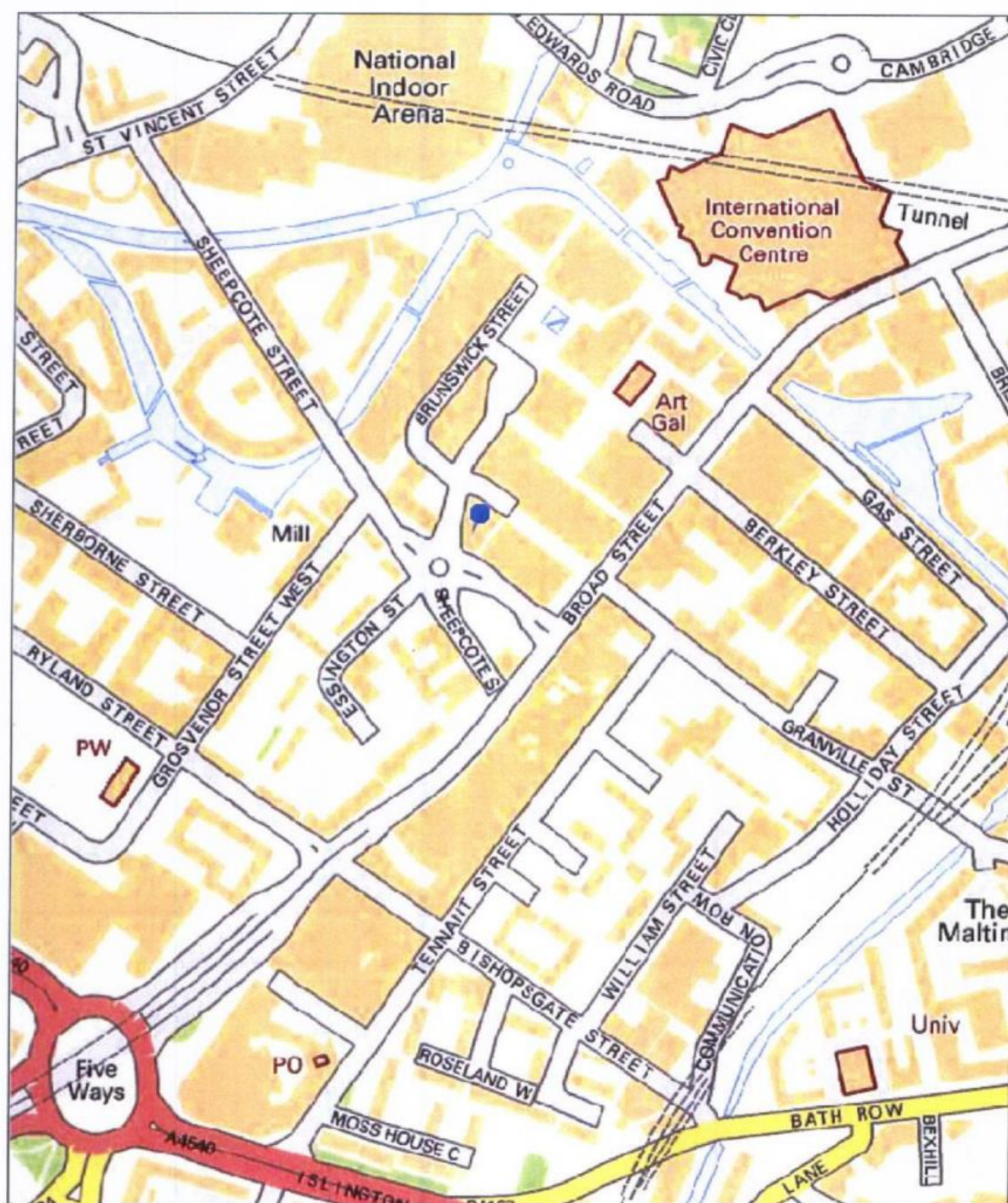
N/A

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

N/A

Annex 4 – Plans

The plan of the premises with reference number **113727-3288/7** 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.



Map Created By:

Date of Map Creation: 08/11/2017

Notes

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Scale:
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Date of Map Creation: 08/11/2017

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