

# 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 16<sup>th</sup> October 2019</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Variation</b>
<b>Premises:</b>	<b>Wagon &amp; Horses, 28 Adderley Street, Digbeth, Birmingham, B9 4ED</b>
<b>Ward affected:</b>	<b>Bordesley &amp; Highgate</b>
<b>Contact Officer:</b>	<b>Bhapinder Nandhra, 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 a relevant representation that has been made in respect of an application to vary the Premises Licence which seeks to amend the licensing plan to include a bar servery and renovation of the first floor to replace the existing bedrooms with a new licensed bar area.

There are to be no other changes to any of the existing timings or licence.

### 2. Recommendation:

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

### 3. Brief Summary of Report:

Variation application received on 2<sup>nd</sup> September 2019 in respect of the Wagon & Horses, 28 Adderley Street, Digbeth, Birmingham, B9 4ED.

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

### 4. Compliance Issues:

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

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

<p><b>5. Relevant background/chronology of key events:</b></p> <p>Smithy Inns Limited applied on 2<sup>nd</sup> September 2019 to vary the Premises Licence for the Wagon &amp; Horses, 28 Adderley Street, Digbeth, Birmingham, B9 4ED.</p> <p>A representation has been received from West Midlands Police, as a responsible authority. See Appendix 1.</p> <p>The application, including the revised plan, is attached at Appendix 2.</p> <p>Conditions have been agreed with Environmental Health and the applicant, which are attached at Appendix 3.</p> <p>The current Premises Licence is attached at Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>It should be noted that there is a special policy in force for the Digbeth area. The effect of a special policy is to create a rebuttable presumption that applications for new licences or material variations to existing licences will normally be refused unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives being experienced.</p> <p>The Council will expect the applicant to demonstrate the steps it will take to promote the licensing objectives. Where relevant representations are made, the Council will consider the application on its individual merits and decide whether to apply the special policy.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ol style="list-style-type: none"> <li>The prevention of crime and disorder;</li> <li>Public safety;</li> <li>The prevention of public nuisance; and</li> <li>The protection of children from harm.</li> </ol>
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<p><b>6. List of background documents:</b></p> <p>Copies of the representation as detailed in Appendix 1  Application Form, including the revised plan, Appendix 2  Agreed Conditions with Environmental Health, Appendix 3  Current Premises Licence, Appendix 4  Site Location Plans, Appendix 5</p>
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<p><b>7. Options available</b></p> <p>To grant the variation application  To refuse the whole or part of the application  To modify the conditions of the Licence</p>
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Entered  
Q

**From:** bw licensing  
**Sent:** 30 September 2019 14:44  
**To:** Licensing  
**Cc:** Abdool Rohomon  
**Subject:** Wagon And Horses, 28 Adderley Street, Birmingham, B9 4ED.

**Importance:** High

Good afternoon licensing,

West Midlands Police have reviewed the variation for the above premises at 28 Adderley Street B9 4ED and wish to make representation to it's grant.

The representation is made under the crime & disorder, public nuisance and public safety licensing objectives.

The variation wishes to increase considerable the licensable activity area. The plan also shows a stage and bar area which we are currently unaware of at the premises

The premises sits within a CIP and with the increase in capacity this could add to crime & disorder within the area.

West Midlands Police have asked the applicant for more details around their application and policies & procedures that will mitigate our current concerns.

West Midlands Police object to the granting of this variation without these extra details / policies being received to our satisfaction.

Regards

**Chris Jones** 55410  
 Birmingham Central Licensing Team

West Midlands Police HQ  
 Lloyd House  
 Colmore Circus  
 Birmingham  
 B4 6NQ

(Sat nav postcode B4 6AT)

Contact us on 999 in an emergency or for all other matters please visit [WMPolice Online](#)



Serving our communities, protecting them from harm  
[www.west-midlands.police.uk](http://www.west-midlands.police.uk)



Find us on:

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**Birmingham**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensingonline@birmingham.gov.uk](mailto: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

Other telephone number

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

BCC	
REGULATION & ENFORCEMENT	
LICENSING SECTION	
DATE RECEIVED	
27 JUL 2009	
Include country code: .....	
REF NO .....	
INITIALS .....	

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

**Agent 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

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent 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 18**

**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

<i>Continued from previous page...</i>	
Non-domestic rateable value of premises (£)	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<b>Section 3 of 18</b>	
<b>VARIATION</b>	
<p>Do you want the proposed variation to have effect as soon as possible?      <input checked="" type="radio"/> Yes      <input type="radio"/> No</p> <p>Do you want the proposed variation to have effect in relation to the introduction of the late night levy?      <input type="radio"/> Yes      <input checked="" type="radio"/> No</p> <p style="text-align: right; margin-right: 100px;">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.</p> <p>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      <div style="border: 1px solid black; width: 80px; height: 20px; display: inline-block;"></div></p> <p><b>Describe Briefly The Nature Of The Proposed Variation</b></p> <p>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.</p> <div style="border: 1px solid black; padding: 5px; min-height: 40px;">         Renovation of the garden to include a bar servery and renovation of the first floor to replace the existing bedrooms with a new licensed bar area.       </div>	
<b>Section 4 of 18</b>	
<b>PROVISION OF PLAYS</b>	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide plays be subject to change if this application to vary is successful?      <input type="radio"/> Yes      <input checked="" type="radio"/> No</p>	
<b>Section 5 of 18</b>	
<b>PROVISION OF FILMS</b>	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide films be subject to change if this application to vary is successful?      <input type="radio"/> Yes      <input checked="" type="radio"/> No</p>	
<b>Section 6 of 18</b>	
<b>PROVISION OF INDOOR SPORTING EVENTS</b>	

<i>Continued from previous page...</i>	See guidance on regulated entertainment
<p>Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<b>Section 7 of 18</b>	
<b>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</b>	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<b>Section 8 of 18</b>	
<b>PROVISION OF LIVE MUSIC</b>	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide live music be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<b>Section 9 of 18</b>	
<b>PROVISION OF RECORDED MUSIC</b>	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide recorded music be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<b>Section 10 of 18</b>	
<b>PROVISION OF PERFORMANCES OF DANCE</b>	
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide performances of dance be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<b>Section 11 of 18</b>	
<b>PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE</b>	
<p>See guidance on regulated entertainment</p> <p>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?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>	
<b>Section 12 of 18</b>	
<b>PROVISION OF LATE NIGHT REFRESHMENT</b>	



Continued from previous page...

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

☐ Yes

☒ No

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

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

☐ Yes

☒ No

**Section 14 of 18**

**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.

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**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

**MONDAY**

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.

Start

End

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

Continued from previous page...

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

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

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☒ 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.

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**Section 16 of 18**

**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.

*Continued from previous page...*

None required.

b) The prevention of crime and disorder

None required.

c) Public safety

None required.

d) The prevention of public nuisance

None required.

e) The protection of children from harm

None required.

**Section 17 of 18**

**NOTES ON REGULATED ENTERTAINMENT**

**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 (£)

635.00

### DECLARATION

1

**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...

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 ☐

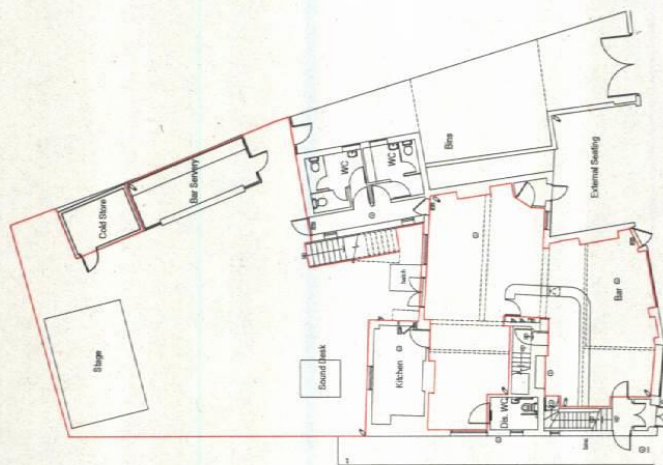
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 Next >

The location and type of any fire safety and any other safety equipment is to be agreed by the Fire Officer.

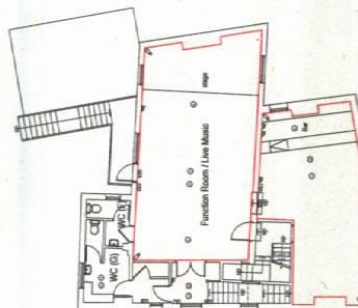
Anything shown on this plan which is not required by the Plan Regulations is for illustrative purposes only, and does not form part of the Premises Licence.

- |    |                                  |
|----|----------------------------------|
| 1  | CCTV Camera                      |
| 2  | Detector (vibrates or beeps)     |
| 3  | Staircase                        |
| 4  | Emergency Light                  |
| 5  | Variable Warning                 |
| 6  | Carbon Dioxide Fire Extinguisher |
| 7  | Water Fire Extinguisher          |
| 8  | Wet Chemical Fire Extinguisher   |
| 9  | Foam Fire Extinguisher           |
| 10 | Blank Glass Unit                 |
| 11 | Fire Break                       |
| 12 | Gas Shut Off Panel               |
| 13 | Fire Alarm Panel                 |
| 14 | Illuminated Directional Sign     |
| 15 | Push Bar Exit                    |
| 16 | Emergency Pull Cord              |
| 17 | Face Box / Consumer unit         |
| 18 | Emergency Exit Sign              |

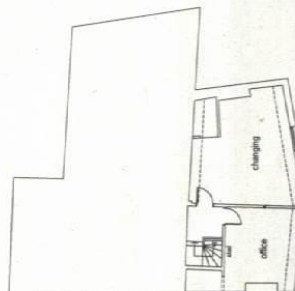
### Licensing legend



Proposed Ground Floor Plan 1:100



Proposed First Floor Plan 1:100



Proposed Second Floor Plan 1:100

**bpm** Architectural  
Design, Inc.

top of

date	Lathe Pub Company
page	The Wagon and Horses Birmingham BB 4ED

Project no.	2124	Issued on	01B
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First and Second Floor  
1000

done by TD / AW

date Sep 19 1000 A1

www.sprynet.co.uk  
info@sprynet.co.uk

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Journal of Internal Medicine 255: 105–112

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**From:** Lisa Gilligan  
**Sent:** 03 October 2019 11:37  
**To:** Bhapinder Nandhra  
**Cc:** Paul R Samms  
**Subject:** RE: Licensing Act 2003 (Variation) RE: Wagon and Horses, 28 Adderley Street, Digbeth, Birmingham, B9 4ED  
**Attachments:** Revised Plan v.3.pdf

Dear Bhapinder,

By way of update in respect of the this application I have arranged a site meeting with Abdool Rohomon of West Midlands Police on Tuesday 8<sup>th</sup> October at 1.00pm to discuss the application.

In terms of the Environmental Health representation, I am grateful to Paul Samms for his time over the last couple of days and I am pleased to say we have reached an agreement. I have attached a further revised plan which is essence reduces the extent of the licensed area outside – for your ease of reference the area of the yard where the bins are currently positioned has been removed.

In terms of conditions the following have been agreed:

- To replace Condition 2d (Annex 2) There shall be no speakers used for amplified music, speech or sound outside the building as delineated by the red line of the attached plans between the hours of 23:00 – 10:00
- There Premises Licence Holder shall use all reasonable endeavours to ensure the door between the first floor function room and the bar remains closed save for ingress or egress when the function room is in use.
- On the first floor regulated entertainment shall be limited to the function room only save for activities permitted by virtue of the Live Music Act 2012

I will update you once again following the Police site meeting next week.

Kind regards



## BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

1082 / 3

**Part 1 - Premises details:****Postal address of premises, or if none, ordnance survey map reference or description**

Wagon And Horses Public House  
28 Adderley Street  
Digbeth

**Post town:**

Birmingham

**Post Code:**

B9 4ED

**Telephone Number:****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 - Sunday	10:00	-	03:00	M3
Monday - Sunday	00:00	-	23:59	F
Monday - Sunday	20:00	-	03:00	E,G,H
Monday - Saturday	23:00	-	23:30	L

**The opening hours of the premises**

Monday - Sunday	10:00	-	03:30
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**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

On and Off Supplies

BIRMINGHAM CITY COUNCIL

Part 2

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Smithy Inns Limited 3 Caroline Court 13 Caroline Street St Pauls Square	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B3 1TR
<b>Telephone Number:</b> Not Specified	
<b>Email</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b> 04556541
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Mrs Barbara Denise Rivitt	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	

<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> 999	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

Dated 16/05/2019

*S.A. Yasser.*

SHAID YASSER  
Senior Licensing Officer  
For Director of Regulation and Enforcement

## BIRMINGHAM CITY COUNCIL

### Annex 1 – Mandatory Conditions

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

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

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

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

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

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

(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

**BIRMINGHAM CITY COUNCIL**

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.

## **BIRMINGHAM CITY COUNCIL**

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

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

Conditions as stated below under the appropriate licensing objective.

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

The licence holder will install CCTV in accordance with the reasonable recommendations of West Midlands Police.

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

Maximum Occupancy Level - 80 persons throughout the premises

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

The provision of entertainment facilities and regulated entertainment shall not take place in the external areas of the premises after midnight.

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

All staff will be trained in their responsibilities under the Licensing Act 2003 and any other relevant legislation. This training will be updated on a regular basis and records will be kept of this.

A refusal book will be maintained on the premises at all times. The refusal register will be available for inspection by any of the responsible authorities.

Staff will record all refusals of alcohol and the books will be checked and signed weekly by the DPS.

The licence holder will operate a Challenge 21 Policy as a minimum and only accept photo driving licence, passport or PASS accredited I.D. card as valid proof of age. They will also be vigilant to ensure that adults are not purchasing alcohol for under 18's.

**BIRMINGHAM CITY COUNCIL**

**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

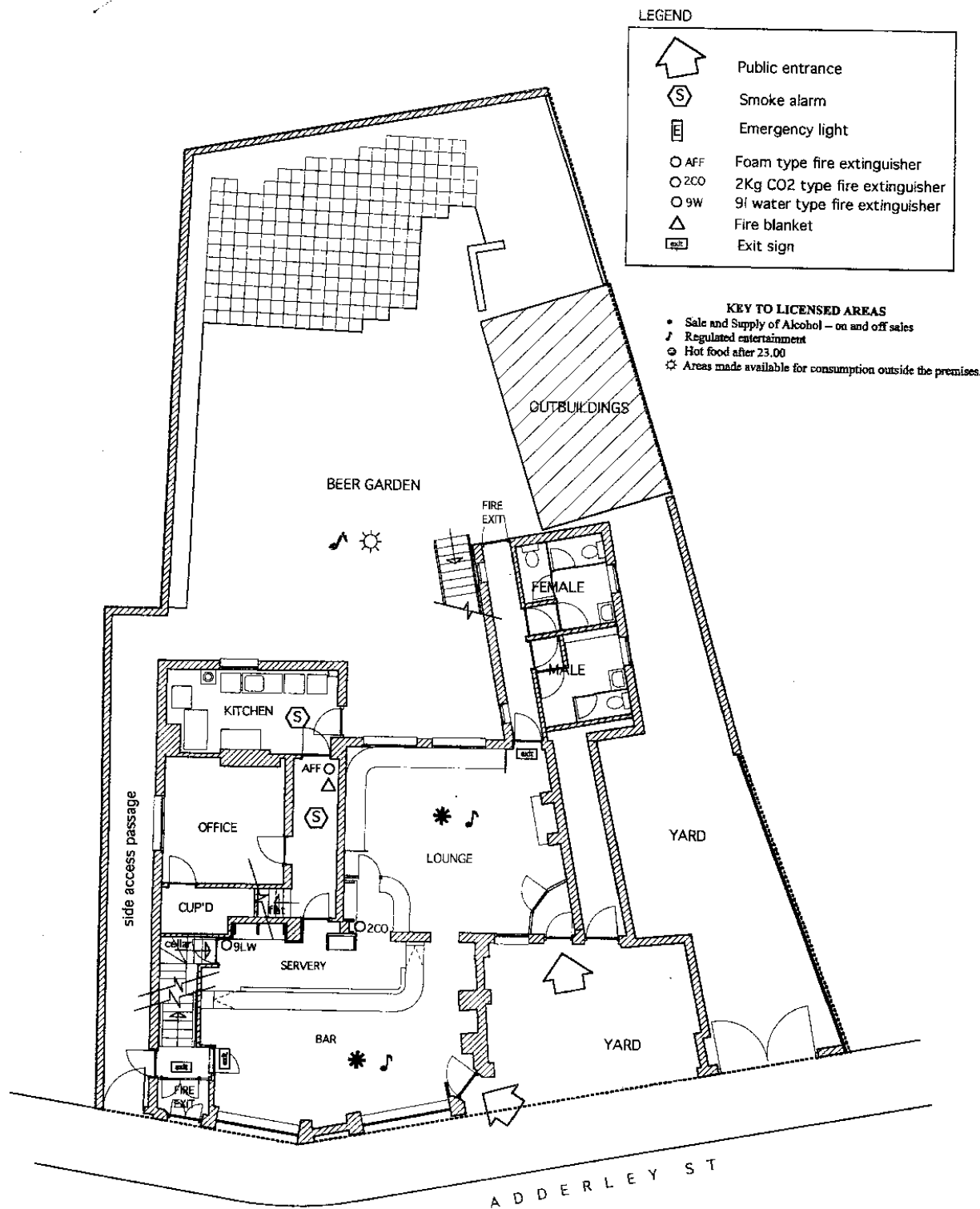
**3e) Committee conditions to promote the protection of children from harm**

N/A

**BIRMINGHAM CITY COUNCIL**

**Annex 4 – Plans**

The plan of the premises with reference number **110940-1082/3** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.











GROUND FLOOR PLAN - 1:100

	Client: WASHBURN & HORSES Project: LICENSING SURVEY	Title: PLANS AS EXISTING Date: 07/05 Drawn: MJB Scale: 1:100 @ A3 Dig No: 777 001
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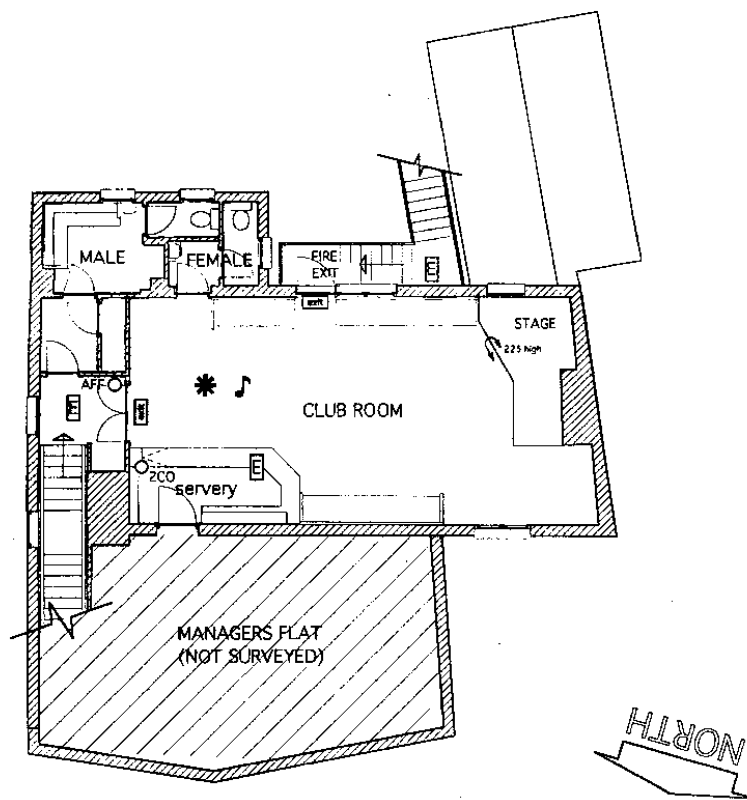


# LEGEND


	Public entrance
	Smoke alarm
	Emergency light
	Foam type fire extinguisher
	2Kg CO2 type fire extinguisher
	9l water type fire extinguisher
	Fire blanket
	Exit sign

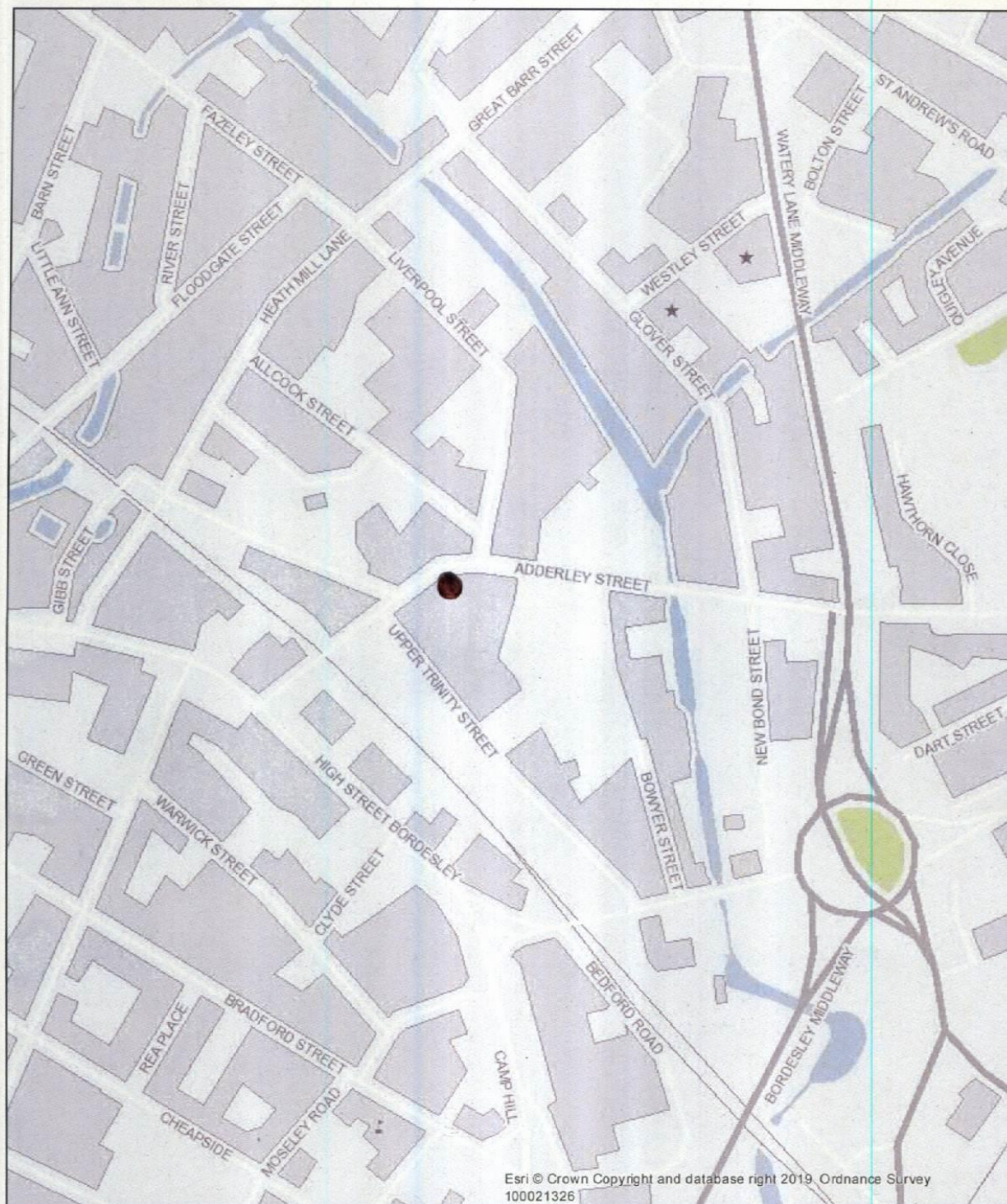
## KEY TO LICENSED AREAS

- \* Sale and Supply of Alcohol - on and off sales
- J Regulated entertainment
- ⊗ Hot food after 23.00
- ⊗ Areas made available for consumption outside the premises.



FIRST FLOOR PLAN - 1:100

	Client: WAGN & HORST	Title: PLANS AS EXISTING	Date: 07/05 Drawn: MPA Scale: 1:100 W.A.P.
Project: SOUNDING SURVEY			Drawn No: 771 002



**Birmingham**  
City Council

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Date of Map Creation: 03/10/2019

Map Created By:

Scale: 1:4,000







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Map Created By:

Scale: 1:1,250

