

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 26 SEPTEMBER 2018 AT 09:30 HOURS
IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

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

A G E N D A

1 NOTICE OF RECORDING

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

2 DECLARATIONS OF INTERESTS

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

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

4 MINUTES

3 - 26

To note the public section of the Minutes of the meeting held on 25 July 2018.

To note the public section of the Minutes of the meeting held on 8 August 2018.

To confirm and sign the Minutes of the meeting held on 22 August 2018.

5 LICENSING ACT 2003 PREMISES LICENCE (GRANT) - AVERY FIELDS SPORTS & EVENTS LIMITED, 79 SANDON ROAD, EDGBASTON, BIRMINGHAM, B17 8DT

27 - 128

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

6 **LICENSING ACT 2003 PREMISES LICENCE (TRANSFER) - CLOUD NINE, 76 GOOCH STREET, NORTH BIRMINGHAM, B5 6QU**

Report of the Acting Director of Regulation & Enforcement.
N.B. Application scheduled to be heard at 11:30am.

7 **OTHER URGENT BUSINESS**

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

8 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

PRIVATE AGENDA

1 **MINUTES**

To note the private section of the Minutes of the meeting held on 25 July 2018 and to confirm and sign the Minutes as a whole.

To note the private section of the Minutes of the meeting held on 8 August 2018 and to confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C 25 JULY 2018

**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE C
HELD ON WEDNESDAY 25 JULY 2018
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Mike Leddy in the Chair

Councillors Olly Armstrong and Neil Eustace.

ALSO PRESENT

Shaid Yasser, Licensing Section
Joanne Swampillai, Committee Lawyer
Katy Poole, Committee Manager

NOTICE OF RECORDING

- 1/250718 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.
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DECLARATIONS OF INTERESTS

- 2/250718 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.
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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/250718 There were no Nominee members.
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MINUTES – PUBLIC

- 4/250718 That the public section of the Minutes of meeting held on 13 June 2018 were noted.

That the Minutes of meeting held on 4 July 2018 were circulated and confirmed and signed by the Chairman.

LICENSING ACT 2003 PREMISES LICENCE – MEL’S GLASSHOUSE, 563-565 WARWICK ROAD, BIRMINGHAM, B11 2EX

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

On behalf of the applicant

Latoya Anderson – Applicant – Mel’s Glasshouse Ltd.
Mijanur Rahman – Agent – Optimised Training Centre.

Those making representations

No one making representations attended the meeting.

The chairman advised that the meeting would start at 0945 to allow those making representations adequate time to attend.

* * *

Following introductions by the Chairman, Shaid Yasser, Licensing Section, made introductory comments relating to the report.

In response to questions from Members of the Sub-Committee, Mr Mijanur Rahman, on behalf of the applicant, made the following points:-

- a) That the premises was taken over in March and was ran as a restaurant.
- b) An application was made on 4th June 2018, and since then the premises has been in discussions with West Midlands Police and Environmental Health and come up with some suitable conditions.
- c) That the business would be looking to cater for parties, hence the late opening hours for Friday, Saturday and Sunday.
- d) They were aware that they could apply for TENs, but they may want more than 15 events per year and that’s why the police had suggested a number of conditions.

- e) That everything had been going well, until the tenants upstairs made objections.
- f) That they were unaware that upstairs was occupied.
- g) That they had read through the objections, but had not had any events so there were no reasons for concerns regarding music.
- h) That his client did celebrate her graduation at the premises with her family.
- i) That they had not had any contact with the tenants above the premises. They had tried as they wanted to resolve any issues.
- j) That his client had made changes to the premises and had put in a lot of work.
- k) That his client was doing everything she could to make the business work.
- l) That the premises had always been used as a restaurant.
- m) That they didn't anticipate any problems securing a licence.
- n) That they couldn't understand why vulnerable people would be housed above restaurants and in a busy area.
- o) That the manager of the organization had approach the tenants requesting that they object. They found this information out from the tenants that did not object.
- p) That they would be willing to accept any further conditions as they were aware the business would not be sustainable without a licence.
- q) That there were 7 tenants living upstairs, but they were unaware that they were vulnerable persons.
- r) That his client had tried to speak to the management team but was unable to get hold of them.
- s) That the premises was only selling food currently and therefore, was not open any later than 2100 hours.
- t) That they had agreed all the police's conditions.
- u) His client had graduated from University of Wolverhampton.
- v) That his client had invested £15,000 into the business and given up her job.
- w) She had a 5 year lease.

- x) That she would have 3 additional members of staff.
- y) That the restaurant would have occasional late nights.
- z) That the alcohol element of the licence was what concerned the tenants most.
- aa) That they would prefer to have the option of as many late nights as possible, but they would also accept 24.
- bb) That generally the late nights would be to accommodate birthday parties.
- cc) That his client would arrive at the premises at 0900 hours in order to cook, and the restaurant would open at 12noon for lunchtime trade.
- dd) That she had a personal licence, and was experienced at running premises and serving alcohol.
- ee) That no promoters would be involved with the late night events.
- ff) That they would make sure the music was kept at an acceptable level.

In summing up Mr Mijanur Rahman, on behalf of the applicant, made the following points:-

- a) They thanked the Members for listening to them and continued to explain that they had put everything in place and wanted to make the business a success.
- b) That they didn't want to upset anyone and wanted to try build bridges with the tenants upstairs.

At 1015 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1108 the meeting was reconvened and all parties were invited to rejoin the meeting. The decision of the licensing sub-committee was announced as follows:-

5/250718

RESOLVED:-

That the application by Mel's Glasshouse Ltd for a premises licence in respect of

MEL'S GLASSHOUSE, 563-565 WARWICK ROAD, BIRMINGHAM
B11 2EX, **BE GRANTED SUBJECT TO THE FOLLOWING
CONDITIONS** to promote the licensing objectives in the Act:

- The normal licensable hours for all licensable activity, except late night refreshment, on Fridays Saturdays and Sundays will

terminate at 01.00hrs.

- The premises may carry out licensable activity until 02.00hrs on Friday, Saturday & Sunday for pre-booked private events only.
- The premises may carry out licensable activity until 02.00hrs a maximum of 24 times per calendar year.
- If carrying out licensable activity past 01.00hrs (except late night refreshment) the premises will inform West Midlands Police (Birmingham Licensing Department) a minimum of 7 days prior to the event with the exception of funerals / wakes where a minimum of 5 days is required.
- On Friday and Saturday night the premises may continue to trade late night refreshment until 01.00hrs for telephone/ on line orders only. No walk-in orders.
- PREMISES TO REMAIN OPEN TO THE PUBLIC:
From 12:00 until 00:00 Monday to Thursday, and 12:00 to 02:00 Friday to Sunday, subject to the foregoing conditions relating to pre-booked private events
- SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES:
From 12:00 to 01:00 Friday to Sunday, and from 12:00 to 00:00 Monday to Thursday
- REGULATED ENTERTAINMENT CONSISTING OF LIVE MUSIC AND RECORDED MUSIC, TO OPERATE INDOORS ONLY:
From 12:00 to 01:00 Friday to Sunday
- THE PROVISION OF LATE NIGHT REFRESHMENT:
From 23:00 to 01:00 Friday to Sunday
- The premises shall arrange for two door staff to be on duty on Friday and Saturday night - one for the main door, one for the smoking area. Qualified door supervisors shall be employed to control persons queuing to enter and exit the venue, from 23:00 onwards whilst regulated entertainment is taking place.
- There shall be no entry for patrons after 23:00
- There shall be no events arranged by external promoters at any time
- All staff training regarding the Licensing Act 2003 and premises

operating conditions will be documented and made immediately available to any of the responsible authorities on request. The training will be signed by both the trainer and trainee.

- The premises licence holder shall ensure that a written agreement is made with a reputable taxi company/ companies requiring that when taxis pick up and drop off customers from the licensed premise's, that noise from these vehicles does not cause a nuisance to local residents.
- Customers who require a taxi from the site shall be advised by staff to use taxi companies specified by the licensee.
- Doors and windows will be kept closed after 22.00hrs except for access and egress.
- Prior to any regulated entertainment involving amplified music taking place, a Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the serve any area of the premises used for amplified music or sound. The NLD shall be set at a level agreed with the Environmental Protection Section to ensure that the volume of music is controlled to avoid noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Section prior to use and shall meet the following criteria:
 - a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position or tampered with in any manner unless prior approval is given,
 - b) The device shall be capable of either:
 - i) cutting off the mains power to the amplification equipment if the volume exceeds the pre-set level determined by the Environmental Protection Unit and shall not restore power to the amplification equipment until the NLD is reset by the DPS or their nominated person, or
 - ii) otherwise maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit,
 - c) where the NLD operates by cutting off the mains power to the amplification equipment, amplification equipment shall be operated through the sockets/power points linked to and controlled by the NLD at all times,
 - d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification equipment is operational,
 - e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and

within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.

- Within the designated external smoking area numbers shall be controlled to a maximum of 6 at any one time. After 11pm the smoking area shall be supervised by qualified staff.
- No drinks to be consumed outside of the premises.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

The Sub-Committee's reasons for imposing these conditions are due to the written submissions made by West Midlands Police, Environmental Health and by other persons living nearby, regarding the impact of the proposed operation

The Sub-Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application but did not accept that there was evidence of a significant risk to the licensing objectives arising from the proposed operation of the premises.

However the concerns of those who had made representations - the other persons living nearby, and both of the responsible authorities - were taken into account by imposing suitable conditions that would allay their apprehension about the potential for disturbance from arising in connection with the proposed operation of the premises. In particular a curtailing of the proposed hours (04:00 had originally been requested) was considered to be an appropriate measure to reduce the likelihood of noise nuisance.

The Sub-Committee considers the conditions imposed to be reasonable and proportionate to address concerns raised.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application, the written representations received and the submissions made at the hearing by the applicant and their adviser.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

LICENSING ACT 2003 PREMISES LICENCE – THE DELI IN BOLDMERE, 60B-60C BOLDMERE ROAD, SUTTON COLDFIELD, B73 5JT

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

On behalf of the applicant

Philippa Goode – Director
Matthew Goode – Director

Those making representations

Peter Hall – Resident
Mervyn Ricketts – Resident
Jeff Turner – Resident

* * *

Following introductions by the Chairman, Shaid Yasser, Licensing Section, made introductory comments relating to the report.

In response to questions from Members of the Sub-Committee, Mrs Philippa Goode, on behalf of the premises, made the following points:-

- a) That she had started the Deli 7 years ago. It was a Delicatessen shop with a café. That it soon became established and they applied for A3 planning in 2012, with the intention of running it as a restaurant. The back garden was included and granted permission to trade.
- b) The Deli moved and they decided that they needed to make some changes in order to help finances. Therefore, they decided to renovate the back garden and in doing so they had to do a pre-planning application which was approved with no concerns.
- c) That they had been running for 6 years with no problems.
- d) That they were responsible persons and had ensured they had followed the restrictions on the planning application, including the 20 meter perimeter fencing around the garden.
- e) The garden was 120 foot long, so therefore, they were unable to use 60

foot of it.

- f) That one of the objector's gardens backs onto the premises.
- g) That they had used acoustic fencing to stop sound travelling, which had cost them nearly £3000.
- h) That the council were happy with the fencing, which was taller than it needed to be.
- i) That the positioning of the acoustic fencing was 15 meters at the recommendation of Environmental Health.
- j) That they were unable to have amplified sound in back garden.
- k) The garden was open until 2100 hours.
- l) That they would move people at 2045 hours into the front of the premises.
- m) That the premises was not alcohol driven, and was primarily a family orientated food service/café.
- n) That the tables and chairs outside were at a distance of 20 meters from the boundary.
- o) That they were completely committed to fulfilling both the licensing and planning objectives.
- p) That the back garden would improve their operation.
- q) That they had given their numbers to those who had made objections so they can notify them when they have concerns.
- r) They were being sensitive and trying to keep everyone happy.
- s) The Deli had seating inside for 30, out on the terrace 30 and the rear patio 40-50. Therefore, 110 across the whole premises.
- t) That the lease had been renewed for 9 years.
- u) That the garden area would get busy in nice weather.
- v) That they do street food Fridays.
- w) They had 10 employees but that would increase to 15-20 should the application be granted.
- x) That they wanted to have a licence until 2200 hours in the back garden and 2300 hours at the front.

- y) That they would get CCTV.

In answer to Members questions Mr Peter Hall, made the following points:-

- a) That the premises had changed from a small deli to a shop that advertises cocktails and Gin bars till late. The premises was also advertising a rear beer garden on social media.
- b) That the noise was travelling and causing him nuisance in his garden.
- c) He was concerned that an increase in patrons to 110 would cause further noise concerns.
- d) That centrally it was a change of use; yet another bar in Boldmere.
- e) That they received a formal notice back in 2012 and the premises approached him at his home. He told them back then that he was not happy.
- f) That he had been over to the premises on two separate occasions to tell them the noise levels were too loud and causing him issues.
- g) That he had spoken to the planning advisor and they told him that there was no planning for the rear garden.
- h) That the noise was a concern, due to his home being so close.
- i) That he had lived there for 30 years and had seen the increase in restaurants and pubs in the area. Crime and disorder and anti-social behaviour had all increased and gangs of young people were causing a nuisance.
- j) That the premises could become a disco or “whatever”.
- k) That the fence was moved to being 15 meters away from his property, when it was supposed to be 20 meters away.
- l) That the application was for music and drinking both inside and outside.
- m) That the operating times needed certifying, rather than being left to interpretation. The application stated 2300 hours, yet the premises had said today that it would be 2200 hours closing.
- n) That another group of neighbours were unable to make it, but they were making representations on their behalf.
- o) That he would prefer this development not to happen and they wanted to do their best to make sure that it was as least disruptive as possible.

In answer to Members questions, Mr Mervyn Ricketts made the following points:-

- a) That he could only reiterate what had been said.
- b) That the acoustic fencing had been put in place and it was 9 feet tall.
- c) That sound travelled.
- d) They had recorded a Mexican Restaurant further up the road as they could hear everything from their bedrooms, and it was being investigated.
- e) That the licenses that are granted get abused.
- f) That alcohol fuels problems.
- g) That they would have liked the opportunity to speak with the premises before today.
- h) That they had experiences noise nuisance even with the fencing.
- i) That when he had a marque up in his garden he went and told the neighbours, the premises should have come and spoken to the residents.
- j) That the only meeting they have had with the premises was back in 2012.

In answer to Members questions, Mr Jeff Turner made the following points:-

- a) That he was not aware of the 2012 application, so was unable to object.
- b) That when they had spoken with Philippa she had advised the residents that nothing would go beyond 2100 hours, however, now the application said 2300 hours. Therefore, there are contradictions.
- c) That he lived at number 3.

At this juncture, Mr Turner requested that the Sub Committee view some photographs of the acoustic fencing.

The Chairman approved the request and the photographs were shown to all parties.

In summing up, the residents, made the following points:-

- a) That they were worried about noise levels.
- b) That they had big concerns due to the local Mexican Restaurant.
- c) They were worried about noise interrupting sleep.
- d) Concerned about the noise extending into the house.
- e) That there was a patron in the garden the other day who had a

horrendous “cackle” and it was awful.

- f) That they didn’t want to spend their evenings complaining.

In summing up, Mr Matthew Goode, on behalf of the premises, made the following points:-

- a) That they felt the application should be approved to help their operation.
- b) There had been no issues for 6 years.
- c) That the comparison to the Mexican restaurant was unfair, as they had much later opening hours.
- d) That they had complied with planning and felt that if they could satisfy planning, they could satisfy licensing.
- e) That they had a long history of no issues.

At 1237 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1315 the meeting was reconvened and all parties were invited to rejoin the meeting. The decision of the licensing sub-committee was announced as follows:-

6/250718

RESOLVED:-

That the application by Philippa Goode for a premises licence in respect of THE DELI IN BOLDMERE, 60B-60C BOLDMERE ROAD, SUTTON COLDFIELD B73 5TJ, **BE GRANTED** subject to the following conditions, to promote the licensing objectives in the Act:

- CCTV shall be installed to cover the whole of the licensable area, to the satisfaction of West Midlands Police.
- The premises shall arrange for door staff to be employed at the premises.
- There shall be no regulated entertainment involving live or recorded music, sound or speech in the outdoor area to the front of the building on the Boldmere Road façade.
- There shall be no regulated entertainment involving recorded music, sound or speech in the outdoor area to the rear of the building.
- There shall be no live amplified music, sound or speech in the outdoor area to the rear of the building .
- Live music in the outdoor area to the rear of the building shall not be provided between the hours of 21.00 and 10.00.
- There shall be no speakers used for amplified music, speech

- or sound outside the building.
- The outside area to the rear of the building shall only be used between the hours of 09.00 and 21.00 hrs and the DPS or other nominated person/staff, shall monitor the external areas and ensure that all patrons vacate the area by 21.00.
- The bar in the outside area to the rear of the building shall only be used for the sale of alcohol between the 09.00 and 20.30.
- All external doors and windows shall be kept closed after 22.00 during regulated entertainment except as necessary for safe and effective access and egress.
- No drinks shall be removed from the premises (as defined by the plan delineating the licensed area) in open containers.
- No waste or recyclable material, including bottles, shall be moved, removed or placed in areas outside the premises building between the hours of 22.00 and 08.00.
- There shall be no tables, chairs or customer access within 20 metres of the boundary with 1 Redacre Road.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

The Sub-Committee's reasons for imposing these conditions are due to the submissions made by local residents and by Environmental Health regarding the location and impact of the proposed operation, in particular the likelihood of public nuisance.

The Sub-Committee carefully considered the operating schedule put forward by the applicant and the likely impact of the application but did not accept that there was evidence of a significant public nuisance, or risk to the other licensing objectives, arising from the proposed operation of the premises. They had sold alcohol by retail for six years without problems. The majority of the clientele were families, and in any event the premises was certainly not frequented by patrons interested in the 'lad culture' of heavy drinking. They trained their staff carefully, and the owner's adult son had recently become a personal licence holder himself, in order to take on more responsibility. They had followed all the advice given to them by the City Council's Planning and Environmental Health departments. Noise attenuation measures, such as extremely high fencing and a bund, were already in place, to the satisfaction of Environmental Health. The owner and her adult son had been in contact with the objectors and had endeavoured to cooperate with them, for example by giving them their personal telephone numbers.

Three local residents attended to make objections. However it became apparent during the course of the meeting that the cause of much of the annoyance expressed by the objectors appeared to be the operation of an entirely separate restaurant premises in the vicinity, unconnected to The Deli in Boldmere. After hearing the

submissions of the three local residents, it was clear to the Sub-Committee that the other premises, which offered a DJ and music beyond 00:00, was responsible for the noise disturbance and lack of sleep about which the objectors were complaining. The instant premises was a 'deli' style restaurant; the owner and her son wanted to expand their business into the garden. They had displayed a responsible attitude to alcohol sales and a good track record of cooperation with Environmental Health.

The concerns of the persons making objections were taken into account by imposing suitable conditions, including some approved by Environmental Health, which would allay residents' apprehension about the potential for disturbance from arising in connection with the proposed operation of the premises. The Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application, the written representations received and the submissions made at the hearing by the applicant and the objectors.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision

OTHER URGENT BUSINESS

7/250718 There was no urgent business.

EXCLUSION OF THE PUBLIC

8/250718 **RESOLVED:**

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-
(Paragraphs 3 & 4)

BIRMINGHAM CITY COUNCIL

LICENSING SUB - COMMITTEE C - 8 AUGUST 2018
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**MINUTES OF A MEETING OF
LICENSING SUB-COMMITTEE C HELD
ON WEDNESDAY 8 AUGUST 2018
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Mike Leddy in the Chair;

Councillors Martin Straker Welds and Nicky Brennan

ALSO PRESENT:

Melissa Douglas – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services.

NOTICE OF RECORDING

1/080818 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

2/080818 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest are declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/080818 Apologies were submitted on behalf of Councillor Armstrong and Councillor Eustace and Councillor Nicky Brennan and Councillor Martin Straker Welds were the nominee Members respectively.

4/080818 **MINUTES**

That the Minutes of the meeting held on 18 July 2018 were circulated, and confirmed and signed by the Chairman.

5/080818 **ANY OTHER URGENT BUSINESS**

There were no matters of urgent business.

EXCLUSION OF THE PUBLIC

6/080818 **RESOLVED:**

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-
(Paragraphs 3 & 4)

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C 22 AUGUST 2018

**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE C
HELD ON WEDNESDAY 22 AUGUST 2018
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Barbara Dring in the Chair

Councillors Neil Eustace and Bob Beauchamp

ALSO PRESENT

David Kennedy, Licensing Section
Joanne Swampillai, Committee Lawyer
Katy Poole, Committee Manager

NOTICE OF RECORDING

1/220818 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

2/220818 Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/220818 Apologies were submitted on behalf of Councillor Leddy and Councillor Armstrong, Councillor Dring and Councillor Beauchamp were the nominee Members respectively.

**LICENSING ACT 2003 PREMISES LICENCE – (VARIATION) – HIGHTERS
HEATH CONVENIENCE STORE, 235-237 HIGHTERS HEATH LANE,
BIRMINGHAM, B14 4NX**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

On behalf of the applicant

Mrs Saraswathidevi Satkunariah – Director and DPS
Mr Satkunariah – Husband
Mr Patrick Burke – Agent

Those making representations

None of the objectors attended the hearing.

* * *

Following introductions by the Chairman, David Kennedy, Licensing Section, made introductory comments relating to the report.

In response to questions from Members of the Sub-Committee, Mr Patrick Burke, on behalf of the premises, made the following points:-

- a) That his client was the director, and they were residents themselves, therefore, they were familiar with the area.
- b) They also have a shop in Worcester and her husband was the DPS at that premises.
- c) Her husband spends times between the two shops.
- d) They have been at the premises 4 months. However, they had a long history of running licensed premises, including shops, convenience stores and fuel stations.
- e) That they had over 20 years' experience.
- f) That the previous shop owner was still working there along with all the staff, who was personal licence holders.
- g) That they had added a multitude of additional conditions which were not on the original licence and not on licence currently. These will benefit the premises and help "tighten things up". The conditions include specifics about staff training and CCTV.

- h) That after submitting the application, they received a number of objections and after reading them all they decided to reduce the hours. The bulk of the objection concerned the late closing time and they raised concerns about gangs. However, the police have made no representations about gangs.
- i) That they did not think the revised hours had been served on all parties.

Mr David Kennedy, Licensing Officer, advised Mr Burke that those making representations were notified of the change of operating hours and the agreements made with West Midlands Police; however none of the parties wished to withdraw their representations.

Mr Burke continued:-

- a) That they had checked the licensing register and his clients shop was the only one in the vicinity that was not licensed until 2300 hours.
- b) That he would refer to Thwaites as much of the objections were based on “speculation”.
- c) That the objections should be based on evidence.
- d) That his clients had a “wealth of experience”.
- e) That they were not going to do anything that would upset the local residents.
- f) There had been no representations from local authorities.
- g) That they were already licensed from 0700 hours, so they were requesting an extra hour in the morning and some extra time in the evenings. They were currently licensed 0700 hours until 2030 hours.
- h) That there was no evidence to say they were not responsible people.
- i) That the police had no concerns and they were “the experts”.
- j) That the alcohol made up 25-30% of the sales.
- k) That it was a convenience store.
- l) That they would not be opening until 0630 but they want a licence from 0600 hours.
- m) They wanted to open earlier as people come to get their newspapers early.
- n) That they already had CCTV but they have added a condition to state that it would be kept for 31 days.

- o) That they had included conditions regarding staff training.
- p) They already kept a refusal book and had been operating a challenge 20, but they will be doing challenge 25 from now on.
- q) They would not be buying from walk ins.
- r) They make sure they keep all receipts.
- s) That the other shop they had in Kingsheath was licensed from 0600 – 0200 hours 7 days a week.
- t) That it was a residential area but not in the immediate vicinity.

Mr David Kennedy, Licensing Officer showed Members the local area via Googlemaps on his laptop, he then proceeded to show all parties.

Mr Burke continued:-

- a) That there were two petitions one from the objectors and the one from the shop.

In summing up, Mr Patrick Burke, on behalf of the premises, made the following points:-

- a) That his clients were local residents themselves, they knew the area well.
- b) That the shop had no issues.
- c) That all staff was personal licence holders.

At 1018 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1043 all parties were invited to rejoin the hearing, and the decision of the Licensing Sub-Committee was announced.

4/220818

RESOLVED:-

That the application by Highters Heath Convenience Store Limited to vary the premises licence in respect of Highters Heath Convenience Store, 235 – 237 Highters Heath Lane, Birmingham B14 4NX, under section 34 of the Licensing Act 2003, **BE GRANTED subject to the following conditions** in order to promote the licensing objectives:

- The end time for the sale of alcohol by retail and opening hours shall be 23.00 hours daily

- All the additional conditions offered by the applicant shall form part of the Licence

The applicant had originally wanted to sell alcohol / remain open until 01.00 hours (02.00 during weekends). This had given rise to objections from West Midlands Police and also from a large number of local residents. A petition had also been submitted, opposing the original hours requested. The Police and the local objectors both felt that the proposed hours were too late. The Sub-Committee heard that the applicant had held discussions with West Midlands Police, and had come to an agreement with them regarding the hours, such that the Police had withdrawn their objection. The proposed new end time for the sale of alcohol and opening hours being sought at the hearing was 23.00 Sunday to Wednesday , and 00.00 from Thursday to Saturday.

However there remained a number of representations from local residents, which were carefully considered by the Sub-Committee. The residents' objections were mainly around antisocial behaviour and public nuisance in the area, and the risk that these could be exacerbated by permitting sales of alcohol very late at night.

The Sub-Committee heard that the applicant was an experienced operator with around twenty years' previous experience of running various alcohol-licensed convenience shops, and also a petrol station. She lived very close to the premises, within walking distance, and had lived there since 2003. She employed the previous owner of the shop as a member of the current staff, which gave continuity; furthermore all the staff were personal licence holders. There would always be at least two members of staff on duty. She had also volunteered a number of new conditions as part of the application, for example relating to CCTV, staff training and implementation of a Challenge 25 policy, which she had adopted in order to promote the licensing objectives.

Whilst the Sub-Committee accepted that the applicant was capable of proper operation, the close proximity of residential properties was a worry, especially in terms of the potential for public nuisance. It was apparent that the main fear among the local residents who had objected related to any rise in antisocial behaviour and nuisance if alcohol sales were to be permitted very late into the night.

The Sub-Committee therefore determined that the concerns of these local residents could be taken into account by imposing an end time for alcohol sales and opening hours of 23.00 hours daily - and therefore not to grant the request to remain open / permit alcohol sales to 00.00 from Thursday to Saturday. A daily 'end time' of 23.00 for alcohol sales and opening hours would allay residents' apprehensions and ensure that the licensing objectives could be upheld.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application, the written representations, and the representations made at the hearing by the applicant and their adviser.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

GAMBLING ACT 2005 VARIATION OF A LICENSED GAMING MACHINE PERMIT – THE ARTHUR ROBERTSON, ONE STOP SHOPPING CENTRE, PERRY BARR, BIRMINGHAM, B42 1AA

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

* * *

Following introductions by the Chairman, David Kennedy, Licensing Section, made introductory comments relating to the report. He also issued Members with a large copy of the site location maps.

At 1058 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1103 all parties were invited to rejoin the hearing, and the decision of the Licensing Sub-Committee was announced.

5/220818

RESOLVED:-

That the application submitted by JD Wetherspoon PLC for the variation of a Licensed Premises Gaming Machine Permit in respect of The Arthur Robertson, One Stop Shopping Centre, Perry Barr, Birmingham B42 1AA has been considered, and at this interim stage the Sub-Committee is minded to refuse.

As per the Gambling Act 2005 at Schedule 13, paragraph 6, a Licensing Authority may not refuse an application, or grant it in respect of a different category or number of gaming machines, without first notifying the applicant and giving the applicant an opportunity to make representations - either in written form, or oral form, or both. Therefore you are requested to make representations (either written, oral, or both).

The Sub-Committee's reasons for proposing to refuse this application for variation are due to concerns regarding the impact of the proposed operation, given that the premises is a public house frequented by families and therefore children. The Sub-Committee was mindful of the promotion of the licensing objectives, particularly protecting children and other vulnerable

persons from being harmed or exploited by gambling.

The Sub-Committee carefully considered the application, including a policy and procedure document, put forward by the applicant, and also considered the likely impact of the application. However the Sub-Committee was not persuaded that the proposed variation, to increase the number of Category C Gaming Machines, would not pose a risk to protecting children and vulnerable people from harm or exploitation. Safeguarding is taken very seriously in Birmingham and the Members felt that the application as it stood did not give any justification for permitting the variation given the risk of exploitation of children and vulnerable people.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the licensing objectives were adequately promoted and that therefore the Licensed Premises Gaming Machine Permit variation application could be granted; however Members considered that in general the application as it stood was not satisfactory.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Principles, the Guidance issued under Section 25 of the Gambling Act 2005 by the Commission, the application for a Licensed Premises Gaming Machine Permit and the Report of the City Council's Licensing Department.

The applicant is therefore invited to submit to the Licensing Department any representations they wish to make without delay, and in any event within 28 days of the date of this interim decision. If representations are not received within 28 days then it shall be assumed that the applicant no longer wishes to pursue the application and it will be deemed to have been withdrawn.

OTHER URGENT BUSINESS

6/220818

There was no urgent business.

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 26th September 2018
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Avery Fields Sports & Events Limited, 79 Sandon Road, Edgbaston, Birmingham, B17 8DT
Ward affected:	North Edgbaston
Contact Officer:	Bhupinder Nandhra, Senior Licensing Officer, 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have been made in respect of an application for a Premises Licence which initially sought to permit the Sale of Alcohol (for consumption both on and off the premises) to operate from 11:00am until 11:00pm (Sunday to Thursday) and 11:00am until 00:00midnight (Friday & Saturday).

As a result of discussions with West Midlands Police, the applicant has agreed to remove off sales of alcohol from the scope of the application.

The provision of Regulated Entertainment consisting of plays, films, indoor sporting events, live music, recorded music, performances of dances and anything of a similar description to operate indoors only from 11:00am until 11:00pm (Sunday to Thursday) and 11:00am until 00:00midnight (Friday & Saturday).

To permit the provision of Late Night Refreshment to operate both on and off the premises from 11:00pm until 00:00midnight (Sunday to Thursday) and 11:00pm until 00:30am (Friday & Saturday).

Premises to remain open to the public from 07:00am until 00:00midnight (Sunday to Thursday) and 07:00am until 01:00am (Friday & Saturday).

Other dates and times as specified in the application form.

2. Recommendation:

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

3. Brief Summary of Report:

An application for a Premises Licence was received on 2nd August 2018, in respect of Avery Fields Sports & Events Limited, 79 Sandon Road, Edgbaston, Birmingham, B17 8DT.

Representations have been received from other persons.

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>Avery Fields Sports & Events Limited applied on 2nd August 2018 for the grant of a Premises Licence for Avery Fields Sports & Events Limited, 79 Sandon Road, Edgbaston, Birmingham, B17 8DT.</p> <p>Representations have been received from other persons, which are attached at Appendices 1 - 23.</p> <p>The application, including supporting documents, are attached at Appendix 24.</p> <p>Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 25.</p> <p>Site Location Plans at Appendix 26.</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>Copies of the representations are detailed in Appendices 1 – 23</p> <p>Application Form and Supporting Documents are detailed in Appendix 24</p> <p>Conditions agreed with West Midlands Police, Appendix 25</p> <p>Site Location Plans, Appendix 26</p>
7. Options available
<p>To Grant the licence in accordance with the application.</p> <p>To Reject the application.</p> <p>To Grant the licence subject to conditions modified to such an extent as considered appropriate.</p> <p>Exclude from the licence any of the licensable activities to which the application relates.</p> <p>Refuse to specify a person in the licence as the premises supervisor.</p>

From:
Sent: 06 August 2018 10:33
To: Licensing
Subject: Notice for licensing
Attachments: image.png

Concerned Resident on Wadhurst Rd

Dear Sir / Madam,

I have seen a notice on Sandon Road regarding an application for a Premises Licence at by Avery Fields Sports & Events Ltd for 85 Sandon Road, Edgbaston, B17 8DT. I have attached the image.

I object to this application for the following reasons.

There are many families with young children living in the area. Noise from a nearby drinking establishment until 2am every night would be wholly inappropriate in this context and affect the sleep patterns of these children and disturb their education in the medium to long term.

In view of the number of families living within this vicinity there has been a drive to reduce the incidence of prostitution and drug dealing on Sandon Road and City Road. If the site were open until 2am this would There has been a huge concern in relation to drugs across the City and Sandon Roads. With the licensing to serve alcohol this will encourage this and it will make it more accessible. There are huge concerns about drug dealing and the licensing will potentially contribute to this.

The original planning application to develop this site for sports stated that the site may be in use until 2200 hours, 7 days per week (paragraph 6.2.1 of the Environmental Noise Survey & Noise Impact Assessment from early 2015). We and many others objected to this because of the noise and disturbance that it would cause. There was a petition signed by over 40 households objecting to the development which was presented to the City Council; the noise and disturbance until 10pm every evening was the first point on the petition. There would have been many more signatories if the original application had stated 2am instead of 10pm.

In light of these objections, there is a huge concern about the noise. This is a quite family neighborhood and the noise implication is of huge concern.

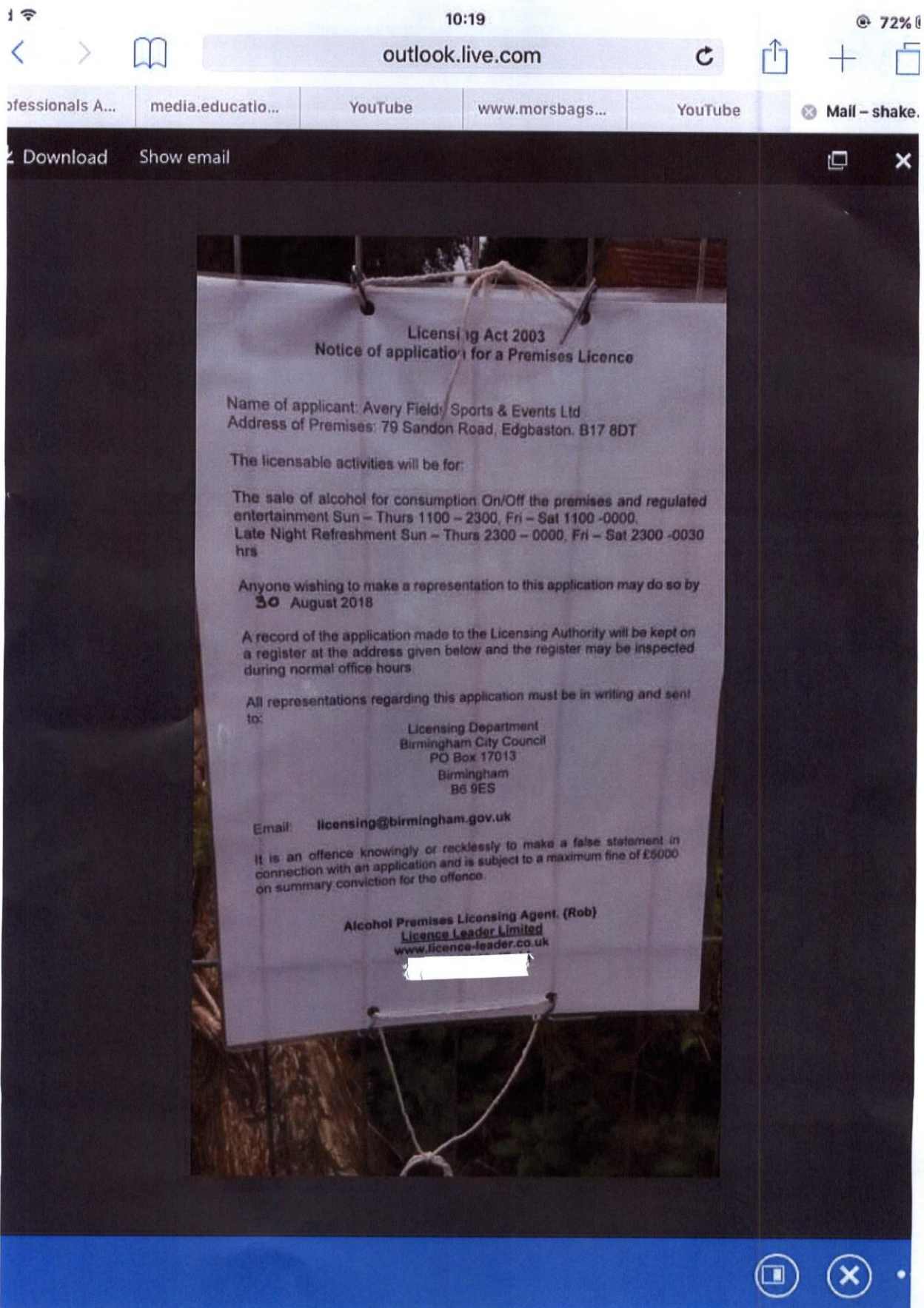
Another concern is for parking. You have parking facilities, however I am hugely concerns as we are round the corner and this could possibly have an impact onto our street.

If a licence were granted until 2am every day of the week then this would be a big change from the original planning application, and many more people would have objected to the original application if it had been stated that the site could be in use until 2am every day.

Please acknowledge receipt of this objection and advise me and the rest of the street regarding the timescale for the consideration of this application.

In addition I am so shocked that another application has been put in so soon after the last one was rejected. If there is any justice this one will be rejected to as the situation has not changed here especially with all the drug problems...

Very concerned resident



Appendix 2

From:
Sent: 15 August 2018 12:27
To: Licensing
Subject: Re: application for a premise licence Avery Fields Sports and Events Ltd

I understand that Avery Field Sports and Events Ltd, 79 Sandon Road Edgbaston, **Birmingham B17 8DT** has applied for a licence for the sale of alcohol for consumption on/off the premises.

I live at Wadhurst Road, Edgbaston Birmingham B17 8JF for the last 40 years and I share the boundary with Avery Fields. I strongly oppose the grant of a licence and late night refreshment for the following reasons.

1. It will cause disturbance to the daily life of residents.
2. In terms of noise.
3. Effect on young children sleep who have to go to school in the morning
4. Litter
5. Parking and noise from the engines
6. Security of residents and their property

Thanking you

Sandon Road
Edgbaston
Birmingham B17 8DT

17th August 2018

Licensing Department
Birmingham City Council
PO Box 17013
Birmingham B6 9ES

Dear Sir / Madam

I am writing to register my objection to the application for a premises licence by Avery Fields Sports and Events Ltd, 85 Sandon Road, Edgbaston, Birmingham B17 8DT.

The original application was rejected by yourselves on a number of grounds in June 2018. The second application states that representation must be made by 30th August 2018. As this is a holiday period, it is likely that some residents will miss this notification.

The notice of the application is again very limited in detail. Once again it states Sale and Supply of alcohol on / off the premises and regulated entertainment. The only change is there has been a very slight reduction in the hours; with Alcohol being sold until 11pm on Sunday and Thursdays and midnight on Friday and Saturdays. These hours are then extended for what is described as late-night refreshments.

The basis of the objection is:

1. Scope creep of the premises. When the planning permission (Application 2017/04246/PA) for this venue was made, the council published documents that stated the venue was for a Rugby Club to carry out sporting events. The plan showed a small bar, that would be used during a match. Once the Rugby was over, the ground would be vacated for the day. Parking, access to the site and noise was considered in the application for such sports events – not an entertainment venue with late night drinking in a residential area. I have attached a copy of the council's report on the planning permission to this letter.
2. The license has been requested for seven days a week. This means that noise from both entertainment, drinking and the car park will be generated every night in a residential area.
3. It is again proposed that alcohol will be sold on and off the premises in a residential area. This makes the distribution of alcohol of the premises impossible to control in a residential area.
4. The use of the facility for late night drinking and entertainment is likely to increase crime and disruptive behaviour in the area.
5. The provision of entertainment is not defined. Music etc. being played late into the evening in a residential area will again introduce problems with noise whilst many people in the area who have to go to work, school etc. are asleep. The application suggests that this could happen seven days a week.

Avery Sports Ground as a venue for late night / early morning entertainment seven days a week is not appropriate for a residential area. I am concerned that the Rugby club gained permission for a sports venue and will now continually try to make requests for a major change of use to fund it.

Thank you for considering my objection.

I have attached the council report for the planning application for a sport ground as per my first point.

Yours faithfully

Delegated Date:	29/08/2017	Application Number:	2017/04246/PA
Accepted:	16/05/2017	Application Type:	Variation of Condition
Target Date:	11/07/2017		
Ward:	Harborne		

Land at Sandon Road, Harborne, Birmingham, B17 8DT

Material minor amendments to planning approval 2015/02983/PA (for development of playing pitches (2 x rugby, 1 x all weather with lighting), changing rooms, w/c's and parking (phase 1), and club room with kitchen and bar, additional changing rooms, and ancillary office, stores and w/c's (phase 2)], for alterations to design of clubhouse building, additional storage building, revised parking layout, revisions to pitch layout and associated bunds, variation of conditions 4 (sample materials), 5 (soft landscaping), 8 (boundary treatments), 13 (noise insulation), 14 (extraction details), 20 (approved plans) to amend the timing of the submission of these details and the submission of details for conditions 3 (arboricultural method statement) and 7 (ecological biodiversity enhancements)

Applicant:	Avery Fields Community Sports Trust, Persimmon Homes & Bournville RFC
Agent:	C/o The Agent Bournville RFC C/o

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. In January 2016, planning consent was granted for the development of this site for the development of a new sports facility for Rugby, comprising two grassed Rugby pitches, one all-weather pitch with floodlighting, changing rooms and parking (phase 1) and club room with kitchen and bar, additional changing rooms, with ancillary office, store and w/c (phase 2) (see planning history).
- 1.2. The application was submitted by Persimmon Homes who were proposing re-development for housing of a disused playing field containing private playing pitches at a site at City Road. The proposals at Sandon Road were part of a package of compensatory provision to outweigh the loss of playing pitches at City Road. The implementation of the Sandon Road development is secured through a section 106 agreement with an agreed timetable relative to the implementation of the approved housing development at City Road.
- 1.3. Since the granting of consent, discussions have progressed between Persimmon Homes and Bournville Rugby Club for the club to acquire the site. They propose to

establish the site as their new home ground. Currently, they use the University of Birmingham's Edgbaston campus, training across three separate sites and has no recognised clubhouse. The facilities are hired on an on-going basis with no security of tenure. With no means of generating its own income the present arrangement is unsustainable in the long term. Without a dedicated clubhouse, the club suffers from a lack of identity and does not have a meeting point for members to congregate and socialise before, during and after matches and training sessions as well as during the week.

- 1.4. Bournville RFC have developed the scheme to suit their specific needs in conjunction with Sport England and the RFU. Avery Fields Community Sports Trust will receive a transfer of freehold interest in the site from Persimmon Homes and funds to develop the facility. The club intends to run the facility as a 'rugby hub' and make it available for local schools, charities, representative games and other community uses. A community use agreement is being drafted with partner organisations to reflect this.
- 1.5. This application seeks planning consent for various amendments to the approved scheme including :
 - Revisions to the design of the club house building which is now proposed to be two storey building rather than a single storey building as approved, and would contain 4 changing rooms, each with associated showers and w/c's, 2 referees rooms with showers, treatment room, cleaners room, shop, plant room, stores and w/c's at ground floor, main community room with viewing balcony, café/bar, kitchen, office, stores, w/c's on the first floor.
 - A separate storage building containing kit store, secure store, garage and compound areas.
 - Minor revisions to the pitch layout and to the associated bunds around the edges of the pitches. Pitch 1 would be 120m x 80m in size (as approved) to be an all-weather pitch (as approved), and would be re-positioned slightly north-eastwards by 4.5 metres. Pitch 2 would be 100m x 65m (as approved) and would be a grassed pitch (as approved) with minor repositioning north-eastwards. Pitch 3 would be 112m x 70 metres (slightly smaller than 115m x 70 metres approved) and would be grassed pitch (as approved), being positioned slightly north-eastwards.
 - Revisions to the car parking layout to accommodate 83 car parking spaces, and two coaches.
- 1.6. The proposed pavilion building would have a T shaped footprint and be of a contemporary design having a mono pitched roof that oversails the balcony at its highest point. The ground floor of the building would be faced with Staffordshire blue bricks with a burgundy brick soldier coursing, with fair faced cladding above, and with aluminium framed windows and a standing seam aluminium roof. The store building would comprise a simple timber cladding to the walls with a mono pitched roof.
- 1.7. The application also seeks to vary the requirements of conditions 4 (materials), 5 (soft landscaping), 8 (boundary treatments), 13 (noise insulation), 14 (extraction details), as follows :
 - Condition 4 (sample materials) – Details proposed to be submitted prior to construction of the pavilion rather than prior to commencement of

development, to enable wider site groundworks as the phasing of the pitch and pavilion differ with specialist contractors for each.

- Condition 5 (landscaping works) – Details proposed to be submitted prior to occupation rather than prior to commencement of development, reasons as above.
- Condition 8 (boundary treatments) – Details proposed to be submitted prior to occupation rather than prior to commencement of development, reasons as above.
- Condition 13 (Noise insulation for pavilion) – Details proposed to be submitted prior to construction rather than prior to commencement of development, reasons as above
- Condition 14 (Extraction and Odour Control) – Details proposed to be submitted prior to construction rather than prior to commencement of development, reasons as above.

- 1.8. This will allow works to proceed to construct the pitches whilst these details are being finalised.
- 1.9. In addition, the applicant is seeking to agree the details required by condition 3 (arboricultural method statement) and 7 (ecological bio-diversity enhancements).
- 1.10. The application is accompanied by a Planning statement, Design and Access Statement, Transport Statement, Ecological Enhancement Strategy.

2. Site & Surroundings

- 2.1. The application site is an area of disused private playing field that has become overgrown and now forms an area of grassland at the rear of existing dwellings in Sandon Road, City Road, Poplar Avenue, and Wadhurst Road. The edges of the playing field are interspersed in places with mature trees, particularly along the boundary with Poplar Avenue, although this does not form a complete screen for residents with views into the site between some of the trees. There is a change in level across the site with a steep shelf from north-west to south-east, such that approximately a third of the site in the north eastern section is at a lower level.
- 2.2. The original application documents advised that the site has not been actively used for approximately 23 years. In its present physical condition, without significant investment, the site could not currently be used for competitive sport.
- 2.3. The site is enclosed by residential rear gardens on all four sides of the site. The existing access onto Sandon Road would be retained and re-used.
- 2.4. A small section of the site access is located within the Barnsley Road Conservation Area, along with the adjoining houses in Sandon Road.

3. Planning History

- 3.1. 22/01/2016 - 2015/02983/PA – Development of playing pitches (2 x Rugby, 1 x all weather pitch with lighting), changing rooms, w/c's, and parking (phase 1), and club room with kitchen and bar, additional changing rooms, and ancillary office, stores and w/c's (phase 2) – approve subject to conditions and a section 106 agreement linking its implementation to the development below.

- 3.2. 22/01/2016 - 2015/02982/PA – Residential development of 116 dwellings, access, parking and landscaping at land at City Road and Rotton Park Road – Approved subject to conditions and a section 106 agreement.
4. Consultation/PP Responses
- 4.1. Press and site notices erected. MP's for Edgbaston and Ladywood Constituencies, ward members for Harborne, Edgbaston and Ladywood wards, residents associations and neighbouring residents notified.
- 4.2. Two representations received. One resident objects on grounds of overlooking. Another resident comments that they do not object to the changes in conditions but that there is still no details provided regarding boundary treatment. They then repeat the representations they made on the original application :
- There must be adequate means of enclosure to the site perimeter, particularly if there will be public access and community use
 - Adequate drainage should be provided of the artificial pitch
 - There should be a proper maintenance plan for the SuD's
 - Exceedence flows should be modelled to check whether they affect properties off-site
- 4.3. Sport England – Comments that the scheme will be a benchmark for rugby in the city and will be able to encourage greater participation from BME and underrepresented communities who don't play sport both in the immediate community and further afield. Sport England offers its support to the application subject to a condition to define the approved plans.
- 4.4. Transportation Development – No objections subject to condition for bellmouth/mini s278 agreement works to the access radius so that this is suitable for coaches.
- 4.5. West Midlands Police – No objections.
- 4.6. Lead Local Flood Authority – No objections to the proposed variations, subject to re-imposing the previously included drainage condition.
- 4.7. Severn Trent Water – No comments received.
- 4.8. Regulatory Services – No objections. Recommends conditions as per previous approval.
- 4.9. Leisure Services – No comments on this amended application.
5. Policy Context
- 5.1. Adopted BDP, Adopted UDP (saved policies), Draft Playing Pitch Strategy, Car parking guidelines SPD, Places for All SPD, Floodlighting of sports facilities, car parks and secure areas SPG, NPPF.
6. Planning Considerations

- 6.1. Policy
- 6.2. Policy TP9 of the BDP is the principal policy in the development plan relevant to the consideration of the development of playing fields. This sets out that playing fields will be protected and will only be considered for development where they are either shown to be surplus for playing field use, taking into account of the minimum standard of 1.2 hectares per 1000 population, through a robust and up to date assessment and are not required to meet other open space deficiencies, or alternative provision is provided which is of equivalent quality, accessibility and size.
- 6.3. Policy TP11 relates to sports facilities. This states that the provision and availability of facilities for people to take part in formal and informal activity, that contributes to healthier lifestyles and can provide a 'stepping stone' into more formal sport will be supported and promoted. Sports and physical activity facilities will be protected from development, unless it can be demonstrated that they are surplus to requirements through a robust and up to date assessment of need. Where there is identified need for particular sports and physical recreation facilities, the loss of existing sports facilities for these sports will not be allowed unless an equivalent or better quantity and quality replacement provision is provided. The policy also advises that facilities for participation sport which attract large numbers of visitors and incorporate elements of entertainment, retail or leisure uses which operate for many hours of the day should be located in easily accessible sites, with safe pedestrian and cycle access as well as being close to public transport routes. Proposals for new facilities or the expansion and/or enhancement of existing facilities will be supported subject to compliance with other relevant planning policies. The policy also states that appropriate and sympathetic sports lighting can enhance the use and sustainability of community sports provision to the benefit of the local community. However, any sports lights should balance the benefits for sport with the amenity of local residents.
- 6.4. A number of other policies in the BDP are also relevant to the scheme. Policy PG3 relates to place making setting out that all new development will be expected to demonstrate high design quality, contributing to a strong sense of place. Policies TP1 (reducing the City's carbon footprint), TP2 (adapting to climate change), TP3 (sustainable construction), TP4 (low and zero carbon energy generation) are generally relevant to all developments addressing sustainability issues. Policy TP6 addresses the requirements for managing flood risk, including sustainable drainage measures to appropriately manage surface water run-off. Policy TP8 deals with biodiversity and geo-diversity, setting out that all development should, where relevant, support the enhancement of Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets.
- 6.5. Policy TP37 relates to health. This states that the Council is committed to reducing health inequalities, increasing life expectancy and improving quality of life in a number of ways including helping to tackle obesity and encourage physical activity through the provision of open space and playing fields and sports facilities accessible to all, cross referencing policies TP9 and TP11.
- 6.6. The NPPF advises in paragraph 14 that at the heart of the guidance is the presumption in favour of sustainable development. For decision-making this means approving proposals that accord with the development plan without delay.
- 6.7. Paragraphs 73 and 74 specifically relate to sport and recreation. Paragraph 73 advises that access to high quality open spaces and opportunities for sport and

recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. Information gained from assessments should be used to determine what open space, sports and recreational provision is required.

- 6.8. Paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 6.9. The Council have recently undertaken work to prepare a new draft playing pitch strategy for the City. This is yet to be reported to Cabinet and so limited weight can be attached to it at this stage, however the intention is that this will form important evidence to address paragraph 73 of the NPPF regarding having a robust and up-to-date assessment of need. This sets out that in quantitative terms there is a shortfall of rugby provision in Edgbaston, Northfield and Selly Oak and that current demand is being met in Ladywood and Perry Barr. The draft Strategy notes that Bournville RUFC is in the process of relocating its demand to a new development at Sandon Road. Currently Bournville are one of 5 rugby clubs who are considered to have unsecure tenure. Overall, there is a shortfall of 10 match sessions for senior rugby to meet current demand and this is predicted to worsen when accounting for future demand. The recommendations in the strategy include supporting Bournville RUFC in its relocation and to ensure that the development caters for all of the club's needs. This also includes supporting the creation of a World Rugby compliant 3G pitch at Sandon Road. This facility will particularly help to address shortfalls on grass pitches and the level of training demand on grass pitches which can then affect the quality of grass pitches due to over-intensive use.
- 6.10. Planning consent has been previously granted for the development of the site for new rugby pitches and associated sporting facilities, and so the principle of the development has already been established. The current proposals have been developed by the club in consultation with Sport England who are supportive of the proposals. The site would be used for adult and junior rugby matches, training sessions, associated social use and would also be available for community use at times when it wasn't required for use by the rugby club.
- 6.11. I set out in my report on the consented scheme that the application site has not been in use for many years. The approved scheme (linked to the approved housing development at City Road) results in an existing privately owned playing field being brought back into use, with provision for community access, thereby improving the quantity and quality of playing fields available for the general public. The proposed 3G all-weather pitch will improve the number of playing hours that are available when compared to providing a grass pitch, which is particularly important in respect of the proposed frequency of the use of facilities on match days and for training. As this application will secure the future of the site for sport, the proposal accords policies TP9 and TP11 of the BDP and the guidance in the NPPF on playing fields and sports facilities.
- 6.12. Impact on the amenities of residents

- 6.13. The proposed reinstatement of the grass pitches does not of itself have any particular impact on the use of the site, as these works do not substantially change the relationship of the playing field with the surrounding resident's properties. The provision of the all-weather pitch with floodlights which would facilitate more intensive use of the pitches when compared to a grassed pitch without floodlights, and the development of the club house pavilion to the rear of existing dwellings on Sandon Road could result in some additional impact.
- 6.14. The design and layout of the pitches and the siting of the floodlights has not substantially changed in comparison to the previously approved scheme. The applicant has demonstrated that the floodlit 3G pitch would be situated slightly further away from residents properties in Poplar Avenue when compared to the approved scheme (as the pitch position is adjusted 4.5 metres north and 2.6 metres east), with a proposed bund in the approved position. The approved scheme involves mitigation comprising the bund, a noise barrier and sinking the pitch into the ground to reduce the impact of noise on surrounding residents with further details required by condition. The applicant advises that further levels details are being prepared to meet the requirements of this condition.
- 6.15. As previously, I conclude that with an appropriate scheme of noise protection the proposed floodlit pitch should not give rise to problems of noise from evening use. The noise mitigation will bring about some improvement for residents when compared to the historic use of the site without this mitigation. I have recommended conditions consistent with the previous approval to agree the details of the mitigation measures, including the design of the bund and barrier and associated levels. As previously, I have also recommended a condition to limit the use of the floodlights until 9:30pm in the interests of limiting the exposure of residents to instances of maximum noise levels from the use of this pitch during hours of darkness in the winter. Summer daytime hours would naturally restrict usage of the un-flood lit pitches to approximately this time and so this would maintain a time period of use comparable with the hours that could be used without the need for planning permission.
- 6.16. There are no substantive changes to the floodlights with 6 columns to be sited around the edge of the pitch. There is an existing belt of mature tree planting along the boundary with the properties at Poplar Avenue that will provide some screening effect and any gaps in the trees on this boundary and other boundaries could be supplemented with further tree planting. I have recommended a condition to agree the design and specification of the floodlights and a landscaping condition. With these conditions, I do not consider that the residents would be adversely affected by the proposed floodlighting of the 3G all-weather pitch.
- 6.17. The design of the pavilion has been amended from a single storey to a two storey building. The siting of this building would be approximately 20 metres at the closest point from the neighbouring rear garden boundaries of houses in Sandon Road, which would ensure sufficient degree of separation to preserve the amenity of those residents. The proposed balcony would face onto the pitch away from existing residents properties. As previously, conditions are recommended to secure appropriate specification and verification of noise attenuation, to limit hours of use, agree extraction details and to limit noise levels from plant and machinery.
- 6.18. The storage building would be situated to the south-east of the pavilion building away from the boundary of the site to be adjacent to pitch 1. Being single storey it would not have an impact on the adjoining houses to the south west in Sandon Road.

6.19. Whilst the car park would be enlarged compared to the approved scheme, with some additional spaces to the rear of the neighbouring houses in Sandon Road, I do not consider that this will result in problems of noise, taking into account the likely times and intensity of use. There is some space retained for landscaping to assist in maintaining a buffer to the rear garden boundaries.

6.20. Traffic and parking

6.21. The amended scheme proposes a larger car park than previously approved to accommodate 83 cars and 2 coaches. The original approved scheme proposed 39 car parking spaces and 2 coaches. A transport statement addendum has been submitted which explains that peak times of use will be on match days when all three pitches could be in use. This would generate 90 players plus support staff and supporters, which is likely to vary and could include parents for junior teams but at peak times is likely to be circa 120-160 people on site. The addendum then explains that car sharing for access to the club is generally high with an average share ratio of 2 considered to be realistic. At a peak of 160 people, this would provide a demand for 80 spaces, although in practice there is likely to be a greater level of sharing and with coach use for away teams this would mean that the proposed 83 spaces would be sufficient to meet the needs of the club at peak times. The proposed parking is therefore considered to better meet the operational needs of the club.

6.22. The proposed access arrangements have not substantially changed and are considered to be acceptable. Some minor works are likely to be required to improve the access radius for use by coaches.

6.23. Other matters

6.24. In respect of the impact of the development on ecology, trees, drainage, and the impact on the neighbouring Conservation Area, the proposed changes will not have any specific additional impacts and are acceptable. Details have been submitted relating to an arboricultural method statement which have been agreed as acceptable by my tree officer, and so it is not necessary to re-impose a condition requiring submission of these details

6.25. A landscaping scheme is required to include replacement trees for any that are required to be removed to accommodate the works for the pitches and associated bunds.

6.26. The details provided to meet the terms of condition 7 (ecological/biodiversity enhancements) are acceptable to the City's ecologist and I have recommended a condition to require the development to be implemented in accordance with the approved details.

6.27. In respect of the proposed variation of certain planning conditions relating to the design of the pavilion, I have no objections to the revised timing of the submission of requisite details, to be prior to commencement of development of the pavilion and have recommended amended conditions accordingly.

7. Conclusion

- 7.1. The proposed redevelopment of the existing disused playing field will make a significant positive contribution to playing field provision, and provides a purpose designed facility for rugby. The proposed scheme has been designed to meet the requirements of the RFU and Sport England who support the proposal. The development will improve the quantity and quality of playing field provision available for use in the area, by virtue of providing a 3G all-weather pitch that will increase the number of available match sessions, and will provide community access thereby improving accessibility for the local community to these sporting facilities.
- 7.2. The original application was subject to a section 106 agreement to secure implementation of the sports development related to the proposed new housing development at City Road. This includes provisions to agree suitable ownership, management and maintenance plan and a community access agreement for the sports development. A deed of variation is therefore required to ensure that this amended scheme is tied to deliver the same benefits that have been previously agreed.
8. Recommendation
- 8.1. That consideration of planning application 2017/04246/PA be deferred pending the completion of a deed of variation to the completed Section 106 legal agreement for planning approval 2015/02983/PA which secured :
- i) An Ownership and Management Plan for Sandon Road to secure the future ownership, management and maintenance of the sports facility, and to procure its implementation in accordance with the ownership and management plan from any future owner, and a community access agreement to secure community use of the Sandon Road development.
 - ii) Payment of a monitoring and administration fee associated with the legal agreement of up to £10,000.
- 8.2. That the Head of Economy be authorised to prepare, seal and complete the appropriate agreement.
- 8.3. That in the event of the deed of variation not being completed to the satisfaction of the Local Planning Authority on or before 29th September 2017, that planning application be refused for the following reason :
- In the absence of a suitable planning obligation to secure an Ownership and Management Plan for the Sandon Road development (2017/04246/PA), and a community access agreement to provide public use of the Sandon Road development, that the proposal would not satisfactorily secure the provision of an appropriate scheme of playing field enhancements, contrary to policies TP9 and TP11 of the adopted Birmingham Development Plan and the NPPF.*
- 8.4. That in the event of the above deed of variation being completed to the satisfaction of the Local Planning Authority on or before 29th September 2017 that favourable consideration be given to the application 2017/04246/PA subject to the conditions listed below.

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- 1 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
No development shall take place until a Sustainable Drainage Assessment (including drainage plans, detailed design, hydrological and hydro-geological assessment) using appropriate sustainable drainage principles and a Sustainable Drainage Operation and Maintenance Plan (including details of agreement with an adopting body and proposed inspection and maintenance actions) has been submitted to and approved in writing by the Local Planning Authority

The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Assessment prior to the use of the building commencing and maintained thereafter for the lifetime of the development in accordance with the Sustainable Drainage Operation and Maintenance Plan.
Reason: To ensure there is no increase in risk of flooding, improve and protect water quality, improve habitat and amenity, ensure that sustainable drainage principles are upheld in the design and implementation of the strategy and ensure the future operation and maintenance of the drainage system will be in accordance with the National Planning Policy Framework (including ministerial statement 18th December 2014), Policy TP6 of the Birmingham Development Plan 2017, Sustainable Drainage - Birmingham City Council Guide to Design, Adoption and Maintenance and Sustainable Management of Urban Rivers and Floodplains SPD.
 - 2 Requires the prior submission of level details
No development shall take place until details of finished site and ground floor levels in relation to the existing site levels, adjoining land and buildings have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall be implemented in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
 - 3 Requires the development to be implemented in accordance with the arboricultural method statement.
The development shall be implemented in accordance with the details contained within drawings 1B (assessment of existing trees), 2B (landscape proposals), and 3B (landscape proposals).
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017, and the National Planning Policy Framework.
 - 4 Requires the prior submission of sample materials
Prior to the construction of the proposed buildings, samples of the materials to be used in the construction of the external surfaces of the extension(s)/building(s)/dwelling(s)/development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
 - 5 Requires the prior submission of hard and/or soft landscape details
Prior to first occupation/use of the proposed development, full details of hard and/or soft landscape works shall have been submitted to and approved in writing by the
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Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a scale of 1:100, showing, where used, locations of individually planted trees, areas of woodland, shrubs, hedges, bulbs, and areas of grass. Within ornamental planting areas, plans should be sufficiently detailed to show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include planting schedules, noting species, plant sizes and proposed numbers / densities and details of the proposed planting implementation programme. All hard and/or soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.

Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Policies PG3, TP3 and TP7 of the Birmingham Development Plan 2017 and saved Paragraph 3.14 of the Birmingham UDP 2005.

- 6 Requires the prior submission of a landscape management plan
A landscape management and maintenance plan, including a survey of the existing landscape and its condition, long term design objectives, management responsibilities and maintenance operations for all landscape areas, other than domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be implemented in accordance with the approved details and thereafter maintained.
Reason: To protect the landscape character and amenity of the development site over the long term in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017, saved Paragraph 3.14 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 7 The development shall be implemented in accordance with the approved Ecological Enhancement Strategy.
The development shall be implemented in accordance with the details contained within the Ecological Enhancement Strategy JER6847 dated April 2017.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy TP8 of the Birmingham Development Plan 2017, and the National Planning Policy Framework.
- 8 Requires the prior submission of boundary treatment details
Prior to the first occupation/use of the proposed development full details of the proposed boundary treatment of the site shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include plans showing the locations of existing, retained and proposed new boundary treatments and scaled drawings indicating the positions, height, design, materials, type and colour of proposed new boundary treatments. The approved scheme shall be implemented before occupation of the building(s)/use/dwelling (s) hereby permitted and shall be retained thereafter.
Reason: In order to secure the satisfactory development of the application site in accordance with Policies PG3 and TP7 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
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- 9 Requires a scheme of noise mitigation works for the proposed sports pitches
No development shall take place until a scheme of noise mitigation for the proposed development is submitted to and approved in writing by the Local Planning Authority and implemented prior to the development being first brought into use. The details shall include all noise mitigation measures outlined in scenario 2 in the submitted WSP noise impact assessment (151012-70014290-CB-R1-Rev1) dated October 2015 to include a combination of measures that include the proposed levels of the pitches, the proposed earth bunds, and the proposed noise barriers.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017, and the National Planning Policy Framework.

- 10 Requires the prior submission of a floodlighting scheme
The development hereby approved shall not be brought into use until a detailed floodlighting scheme has been submitted to and approved in writing by the Local Planning Authority. The details floodlighting scheme shall include site annotated plans showing lighting positions of the floodlighting columns, site plans showing horizontal and vertical overspill to include light trespass and source intensity, affecting surrounding residential premises and details of the lighting fittings including colour, watts and periods of illumination. All lighting works shall be implemented in accordance with the approved details and shall be completed prior to the occupation of any part of the development and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017, Lighting Places SPD and the National Planning Policy Framework.

- 11 Limits the use of the floodlighting to between the hours of 08:00-21:30 hours Mondays - Sundays.
The floodlighting approved by this permission shall only be used between the hours of 08:00 and 21:30 hours Mondays - Sundays, and shall be switched off at all times when the floodlit artificial pitch is not in use. Reason: In order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

- 12 No kickboards or sports fencing around the sports pitches without prior written approval.
No kickboards or sports fencing shall be installed around the perimeter of the proposed sports pitches without the prior written approval of the Local Planning Authority.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017, and the National Planning Policy Framework.

- 13 Requires details of a scheme of noise insulation and verification for the clubhouse pavilion.
Prior to the commencement of the construction of the clubhouse pavilion, a scheme of noise insulation for the building shall have been submitted and approved in writing by the Local Planning Authority. The details shall include details of mechanical extraction and details of the internal layout which shall be in accordance with the approved plans. The development shall be implemented in accordance with the approved details. Prior to the clubhouse pavilion being first brought into use, a noise validation
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report shall be submitted and approved in writing with the Local Planning Authority.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017, and the National Planning Policy Framework.

- 14 Requires the prior submission of extraction and odour control details
Prior to the commencement of the construction of the clubhouse pavilion details of the extract ventilation and odour control equipment, including details of any noise levels, noise control and external ducting has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the NPPF
- 15 Limits the noise levels for Plant and Machinery
The rating levels for cumulative noise from all plant and machinery shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing Laeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.
Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
- 16 Limits the hours of use of the clubhouse pavilion to between 08:00 and 23:00 hours Mondays - Sundays
The clubhouse pavilion shall only be used between the hours of 08:00 and 23:00 hours Mondays - Sundays.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017, and the National Planning Policy Framework.
- 17 Requires the prior submission and completion of works for the S278/TRO Agreement
The development shall not be occupied until a package of highway measures has been approved by the Local Planning Authority and the approved measures have been substantially completed. The package of measures shall include any alterations to the existing footway crossing and accessway to facilitate the manoeuvring of vehicles entering and leaving the site and are to be carried out at the applicants expense to Birmingham City Council specification.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
- 18 Requires the parking area to be laid out prior to use
The development hereby approved shall not be brought into use until vehicle parking has been constructed, surfaced and marked out in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Policies PG3 and TP44 of the
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Birmingham Development Plan 2017, the Car Parking Guidelines SPD and the National Planning Policy Framework.

- 19 Requires the prior submission of cycle storage details
The development hereby permitted shall not be brought into use until details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles have been submitted to and approved in writing by the Local Planning Authority. Provision shall thereafter be implemented and maintained in accordance with the approved details.
Reason: In order to secure the satisfactory development of the application site in the interests of highway safety sustainable travel options, in accordance with Policies PG3, TP40 and TP44 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
- 20 Requires the scheme to be in accordance with the listed approved plans
The development hereby approved shall be implemented in accordance with the details submitted with the application and shown on drawing numbers BG-D1 Rev V (site plan), BG-D20 Rev B (Comparison of Persimmon Pitch, Clubhouse and Bund Position), L (0) 120 (site sections - draft), L (0) 03 Rev BB (proposed ground floor general arrangement plan), BG-D3 Rev V (proposed first floor general arrangement plan), BG-D4 (proposed building elevations), BG-D5 (Section), BG-D6 (Visualisation), BG-D7 (Visualisation), BG-D8 (Visualisation), D10 (proposed storage building), D11 (proposed building elevations), 1B (assessment of existing trees), 2B (landscape proposals, 3B (landscape proposals) ('the approved plans')
Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.
- 21 Implement within 3 years (Full)
The development hereby permitted shall be begun before the expiration of 22nd January 2019.
Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.
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Case Officer:

Appendix 4

From:
Sent: 20 August 2018 10:28
To: Licensing
Subject: Notice of application for a Premises License. Name of applicant: Avery Fields Sports @ Events Ltd. Address of Premises: 79 Sandon Rd, Edgbaston, B17 8 DT

Dear Sir/ Madam,

I have live in Wadhurst Road and have lived here for nearly 42 years. It is a very nice, quiet and peaceful road. Vast majority of the residents are elderly.

The Avery field is surrounded by the residential housing. Already there is a proposal for building a rugby club which will disturb the tranquility of the area. Now on top, there is this proposal for a license for the above. While the government is fighting to reduce alcohol abuse, its effects on social disorder and health, drink related evils, the building of a public house in the midst of a quiet housing area is unthinkable.

I very strongly and vehemently give my objection to the above proposal.

Yours truly,

Wadhurst Road

Sent from my iPad

BCC	
REGULATION & ENFORCEMENT	
LICENSING SECTION	
DATE RECEIVED	
21 AUG 2018	
Entered BY	
REF NO	
INITIALS	

Poplar Ave
Edgbaston
B17 8EH
19/8/18

To Whom it May Concern,
re Application for Premises License
79 Zandron Road

I wish to lodge an objection with
regards to the application dated
30 August 2018.

Since the completion of the first
pitch, there has been a marked
increase in noise levels from players
/ spectators etc. Whilst this is to be
expected, I am extremely concerned
that a License granted in line with
the application (i.e. until 11pm during

the week and midnight of weekends) would have a seriously detrimental effect on the comfort of my family, including my 2 young children. If the noise from matches is noticeable, the noise from a late night licence can only be more disruptive.

My objection is therefore based on

1) hours of licensing. These appear excessively long. My suggestion would be that the licence be granted for match days only, and in line with the hours of public illumination i.e until 2130

2) The request for a licence for sales off the premises appears to be potentially detrimental to the surrounding area. I would request that this be refused

3) The question of 'regulated entertainment

The planning application for this development was (to the best of my knowledge) for housing and a sports facility. Any regulated entertainment would seem to be outside of this remit. I therefore request that this aspect of the application be refused.

Given the obvious negative impacts in terms of disruption to local community, adverse effects of noise on quality of living and children's sleep, lack of suitable parking, and lack of consultation on the part of the developer, I would request that this application be refused in its entirety.

Yours faithfully,

From:
Sent: 24 August 2018 17:45
To: Licensing
Subject: Objection to new licensing application for Avery sports site off Sandon Road

Dear Sir / Madam,

We object to the application for a licence for the bar until at least midnight (including 'late night refreshment') every day on the former Avery site for the following reasons.

1. The reason why this site is being returned to a sports facility, rather than being used for housing, is because of an historic Deed of Covenant stating that it would be used for sports in the future. If there is a bar on the site which is open until midnight, or later at weekends, this would go against the spirit, and quite possibly the letter, of this Deed of Covenant.
2. The licence is for sale of alcohol off the premises as well as on the premises, and live music and dancing. This would permit large scale outdoor events such as music concerts on the entire site very near residential properties.
3. The land is owned, or will be owned, by Bournville Rugby Club, but the application is from 'Avery Fields Sports & Events Ltd'. It is unclear what governance the club will have over the licensable activities. The contract between Bournville Rugby Club and 'Avery Fields Sports & Events Ltd' which was viewed during the hearing regarding the previous licensing application contained very little in the way of governance from the Rugby Club but appeared to give 'Avery Fields Sports & Events Ltd' as much scope as possible to make as much money as possible to help fund the club – the incentive in the contract is for 'Avery Fields Sports & Events Ltd' to put on as many large events as possible, regardless of the proximity of residential properties.
4. There are many families with young children living in the vicinity. Noise from a nearby drinking establishment until midnight every night would be wholly inappropriate in this context and affect the sleep patterns of these children and disturb their education in the medium to long term.
5. In view of the number of families living within the vicinity there has been a drive to reduce the incidence of prostitution and drug dealing on Sandon Road and City Road. If the site were open until midnight or later this would potentially encourage more of this activity and reverse a lot of the good work achieved until now. This would constitute a big step backward for North West Edgbaston and the residents living here.
6. The original planning application to develop this site for sports stated that the site may be in use until 2200 hours, 7 days per week (paragraph 6.2.1 of the Environmental Noise Survey & Noise Impact Assessment from early 2015). We and many others objected to this because of the noise and disturbance that it would cause. There was a petition signed by over 40 households objecting to the development which was presented to the City Council; the noise and disturbance until 10pm every evening was the first point on the petition. There would have been many more signatories if the original application had stated midnight instead of 10pm.
7. In light of these objections, the updated Noise Impact Assessment (REPORT NO 151012-70014290-CB-R1-REV1) submitted by the applicant as part of the updated planning application in November 2015 stated in Table 5:1 on page 14 that the usage of the field would be until 21:30 from Monday to Friday, an improvement on 22:00 every evening which was previously proposed. If the pavilion is now open effectively as a nightclub until midnight every night, this would seem to make a mockery of this concession previously made in order to assist getting the planning application granted.
8. Bournville Rugby Club are not a responsible operator since they are already in breach of planning regulations as follows.
 - a. The site has been occupied and used prior to the discharge of condition regarding drainage. Around 10 properties on Wadhurst Road flooded internally at the end of May due to inadequate drainage on the site. There has never previously been internal flooding of properties on Wadhurst Road. There was correspondence from residents regarding drainage for the 12 months prior to this, but the warnings were ignored. Residents who flooded wrote to Bournville Rugby Club but received no response.
 - b. Ground levels have been raised by over 2 metres, contrary to the revised planning application submitted in November 2015
9. If a licence were granted until midnight every day of the week then this would be a big change from the original planning application, and many more people would have objected to the original application if it had been stated that the site could be in use until midnight every day. At a recent meeting of residents organised by the North West Edgbaston Neighbourhood Forum with ; a representative from the Rugby Club, many residents expressed that they felt they had been cheated and would have objected to the original planning application if they had had foreknowledge of this licence application.

Wadhurst Road, B17 8JF.

From:
Sent: 27 August 2018 18:15
To: Licensing
Subject: AVERY FIELDS SPORTS AND EVENTS LTD

I am writing to object to the issuing of a licence for the sale of alcohol for consumption on/off the premises and regulated entertainment.

My main objection is to the sale of the alcohol which i believe will be detrimental to the lives of my family and other residents within the area. I am also objecting to the licence for entertainment after 9 pm as I believe the noise levels will be too high and the coming in and going out of users will cause a nuisance to local residents. Even though we are quiet a distance from the nearest pub on Bearwood High Street we still get nuisance from drinkers every few nights walking by and causing noise and discarding cans and bottles outside our homes. The issuance of a license to the club will cause further public order problems within our area. This will make our lives a misery and hence I wish to make an official represenation.

My details are as follows:

Poplar Avenue
Edgbaston,
Birmingham.
B17 8ES.

27/8/18

From: [redacted]
Sent: 28 August 2018 00:11
To: Licensing
Subject: Objection to the new licensing application for Avery Fields Sports and Events.

To: Birmingham Licensing Committee

Re: The new licensing application for Avery Fields Sports and Events, at 79, Sandon Road, Birmingham B17 8DT

As a resident in Wadhurst Road, one of the residential streets which border this new sports ground, I would like to register my concerns and objections to the proposed licensing application. As one of those who attended the hearing for the previous application, and also a recent meeting called by the North West Edgbaston Neighbourhood Forum to discuss this application, I do recognise that the application has been significantly revised in the light of the concerns raised by residents, the police and the council's environmental officer at the previous hearing. However, I feel that this does not sufficiently allay our fears and concerns for the following reasons:

1. I, and a good number of local residents I am aware of, from the Neighbourhood Forum meeting and the Wadhurst Road Street Association, remain very concerned about the impact that late night alcohol licensing would have on this residential area. This is in relation to noise potentially causing disturbance to sleep patterns for children living nearby, parking problems in the local streets, including on the bus routes on City Road and Sandon Road, and the anti-social aspects of alcohol dependence which is already very evident on local streets. Licensing for regulated entertainment/live music events etc. on a site which could accommodate very large crowds, also raises concerns for residents regarding noise levels and parking. These concerns were raised at the previous hearing by the police and environmental officer.
2. In addition, the reason why the site is being returned to a sports facility, (which many people welcome) rather than being used for housing, is because of the Deed of Covenant relating to this land, which states that it should be used for sports in the future. Having read that covenant carefully, the extent of the current license application for the site does in my view go against the spirit of the covenant.
3. As you will be aware from the submission from another local resident, the original planning application to develop this site for sports, stated that the site may be in use until **22:00 hours**, 7 days per week (paragraph 6.2.1 of the Environmental Noise Survey & Noise Impact Assessment from early 2015). Residents objected to this because of the noise and disturbance that it would cause. There was a petition signed by over 40 households objecting to the development, which was presented to the City Council; and the noise and disturbance until 10pm every evening was the first point on the petition. We would have expected even more signatories if the original application had stated **mid-night** instead of 10pm.
4. In the light of those objections, the updated Noise Impact Assessment (REPORT NO 151012-70014290-CB-R1-REV1) submitted by the applicant as part of the updated planning application in November 2015 stated in Table 5:1 on page 14 that the usage of the field would be until **21:30** from Monday to Friday, an improvement on the 22:00 every evening, which was previously proposed. If the pavilion is now open until midnight every night, this would seem to make a mockery of this

concession previously made in order to assist in getting the planning application granted.

Therefore, if a licence were to be granted until midnight every day of the week, it would be a huge change from the original planning application, and many people feel they have been misled about how the sports ground was going to be used. At the recent meeting of residents organised by the North West Edgbaston Neighbourhood Forum with a representative from the Rugby Club present, residents expressed that they felt they had been cheated and would have objected to the original planning application if they had had fore-knowledge of this licence application.

5. Those residents of Wadhurst Road, who experienced severe internal flooding of their properties - (around 10 were affected) at the end of May, remain very concerned about what seems to be inadequate drainage on the site, as they have never had problems of this kind before. We understand that the site has been occupied and used prior to the discharge of condition regarding drainage, and there was correspondence from residents regarding the drainage concerns over many months before this incident. It appears that warnings were ignored and the matter remains unresolved, so that people are extremely concerned about a re-occurrence of the flooding. In addition, the ground levels behind houses on Wadhurst Road have been raised by over 2 metres, which I understood is contrary to the revised planning application submitted in November 2015. These experiences and the difficulty some residents have had in trying to contact the Rugby Club, have unfortunately caused anger and a lack of trust in the organisation.

Thank you for your attention.

No. Wadhurst Road

Poplar Avenue
Edgbaston
Birmingham
B17 8EG

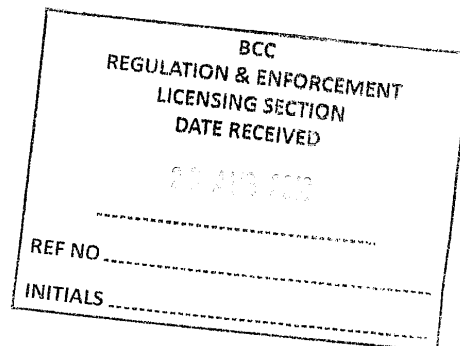
Birmingham City Council
Licensing Section
PO Box 17013
Birmingham
B6 9ES

22/08/2018

I would like to object to the licensing and entertainments renewed application at Avery Fields Sports ground.

From the advertising put out by the applicant it would seem that the sports field intentions for planned events bears out that they intend to turn the sports field into a function and entertainments complex. A recent meeting of some 40 residents whose homes and gardens surround this field have voiced their objections to this plan. Our homes will suffer extra noise and nuisance should you agree their application. If you grant any licence for this I would urge you to consider that the plan was for a community sports field and it should not be used for non related sports issues. Also there are covenants against businesses causing noise and nuisance to residents. Whist I would not want to be a kill joy I would respectfully ask that the hours of licence should be very short with no opportunity for extra events added to this, as we know it will be abused to our detriment.

Your sincerely



From:
Sent: 28 August 2018 11:32
To: Licensing
Subject: FW: Application for Premises licence

Apologies, I meant to put my phone number,

Hi,

I am unable to find the best way to raise with you an objection to an application as above so am sending to this email hoping you can either accept it or point me directly to the best place to do so.

The application has been lodged by Avery Sports & events Ltd at 79 Sandon Road, Edgbaston, B17 8DT and is subsequent to an already failed application they had made on the 9th of July which was also objected to by West Midlands Police. I live at ___ Poplar Avenue, Edgbaston, B17 8EG.

The substance of my objection, and I understand similar objections by a number of residents in the area, as demonstrated by the residents meeting organised by the North West Edgbaston Neighbourhood Forum on the 15th of August, is the impact this application will have on a residential neighbourhood and the significant deviation from what were the original stated intentions of the site usage. Originally, my understanding was, that in exchange for planning permission to build housing, the developers would have to enable a sports facility for community use which eventually became a rugby pitch for Bournville rugby club.

With a garden directly backing on to the fields, I am already experiencing the increased noise from the training sessions being held and will clearly be affected by noise during matches as well as the floodlighting. However, the potential noise from a 12 hour a day (or longer) operation involving potentially hundreds of people (the site is planning for 83 cars and 2 coaches) will clearly have a significant effect on our being able to use our garden and general day to day privacy and lives. This is because I now understand that Bournville rugby club have employed a specialist events management company to ensure "regulated entertainment" and although the hours requested has been reduced from the original application, it is still for potentially 12 hours a day 7 days a week. This is entirely out of keeping with the current general ambiance of the neighbourhood and will have disruptive impacts on all aspects of the local community.

Pleas can you acknowledge receipt of this email and advise what else I need to do to ensure my objection is lodged and can you also advise me of the following:

- Have the Police objected to the revised application?
- What is meant by "regulated entertainment"?
- What is meant by "Late night refreshment"?

Regards,

From:
Sent: 28 August 2018 17:50
To: Licensing
Subject: Licensing Act 2003 Application for a Premises License by Avery Fields Sports & Events, 79 Sandon Road B17 8DT

Dear Sir/Madam,

As a local resident who lives in Poplar Avenue adjacent to the site in question I wish to object

to the appeal being made by Avery Fields Sports and Events Ltd on the following grounds:

a. The sale of alcohol for consumption On/Off the premises

I do not object to the applicant selling alcohol for consumption on the premises. However, I do object to the sale of alcohol for consumption off the premises.

Alcohol consumption in public is an issue of public order in the Sandon Road area; providing an additional outlet does not help an already difficult local situation. Sadly, the drinking of alcohol on the pavements of Sandon Road, Hagley Road and City Road is a familiar sight, and I have seen persons slumped on the ground, bottle or can in hand. These roads are close to three schools and during term time children walking to and from school are confronted with these scenes. This is also an issue in neighbouring Bearwood where I am the

I believe that alcohol sold on Avery Fields Sports ground should be consumed on those premises and not otherwise.

b. The provision of regulated entertainment.

At the hearing held on the 9 of July the applicants stated that their project was dependent on fundraising and the provision of entertainments on the site.

As someone who works in the voluntary sector I know that raising funds, even for worthwhile community projects, is very difficult. I am concerned that the applicant will, for very good reasons, try to maximise the entertainment use of the site, and as

such this will lead to a deterioration in the local environment and lead to unacceptable levels of noise and disruption that will impact local residents and road users.

The opening hours stated in the application are too broad; events should finish by 21.30 Sunday to Thursday and 22.00 Friday and Saturday. The site is surrounded by a residential area, and longer hours will cause a disturbance to the local community, especially given the close proximity of the entertainments venue/club house to residential properties.

Yours faithfully.

St. Mary's Church Bearwood B66 4BX

From:
Sent: 28 August 2018 23:46
To: Licensing
Subject: Representation to application reference 107441 and applicant name Avery Fields Sports & Events Ltd

Dear Sir or Madam,

I am writing to make a representation against application reference 107441, license holder name Avery Fields Sports & Events Ltd. The date of my written representation is 28th of August 2018. This is also the date my representation was emailed to licensing@birmingham.gov.uk and in addition a written copy posted to the relevant address on the morning of the following day via royal mail signed for first class delivery.

I am representing on behalf of the North West Edgbaston Neighbourhood Forum, a voluntary organisation run by a small committee of local residents to address local problems by engaging neighbourhood residents especially through public meetings. Therefore, the forum is a body representing persons living in the vicinity, I have authority as a serving member of the forum committee to represent on its behalf. On Wednesday 15th of August I called and chaired a meeting for bordering residents to discuss this licensing application, I consulted with approximately thirty residents. In addition, my own residence is on Poplar Avenue, one of the bordering streets directly affected by the venue thus I am directly aware of the seriousness of the application.

I am concerned the proposed license from Avery Fields Sports & Events Ltd will cause a public nuisance. I have detailed the following reasons:

There was a hearing last month for the same applicant where the license was refused, during that hearing the police representative PC Abdool Rohomon explained when he visited the development he could see into the bedrooms and kitchens of bordering residences pointing out the proximity of the venue to residential properties. Paul Samms the environmental health officer representing at the same hearing stated he conducted noise tests which demonstrated expected outdoor noise would affect bordering residents. The sale of alcohol by retail both on and off the premises means licensable activity will generate noise pollution that will travel to the back part of adjacent homes at unreasonable hours. There are no conditions placed on the perimeter where alcohol might be sold or consumed therefore customers could converse on or near the borders of the land. Because the land borders many back gardens of houses, noise will travel to the back of those houses.

Paul Samms deduced from noise tests he conducted that a group of six engaged in a casual conversation whilst smoking would produce significant noise which would affect bordering residences. Therefore conversations do not need to necessarily take place at the borders to be a public nuisance. The venue is requesting licensable activities until midnight Sunday to Thursday and half past midnight Friday and Saturday, after this there will be thirty minutes or even forty five minutes until the venue clears. At unreasonable hours significant noise will be produced by this venue causing a public nuisance to bordering residences.

There is also the problem of noise from cars pulling into and out of the car park to attend licensable activities from 11am until late.

Taxis will create noise not only by pulling into the car park but also beeping their horn. The development has taken some measures to prevent this by informing their selected taxi company not to use the horn however they can only recommend to residents they use their associated cab firm. In the modern technological world a taxi app like Uber is often the preferred method for ordering a taxi. There is no action the venue can take that prevents customers from using Uber or an Uber driver from using his horn. Residents late at night will be woken up. Bordering residents include not only people of working age but also many children and the elderly some of whom are unwell and require rest. Noise from the venue in multiple ways will degrade the quality of life these residents presently have.

The outdoor events propose licensable entertainment until 2230 and then a clear out time as stated in the above paragraph of upto somewhere between 30 to 45 minutes. The development has a large plot of land and therefore an enormous outdoor capacity providing them with lucrative earning potential from outdoor events while causing mass disturbance to bordering residents. The proposed license would allow for outdoor recorded music and performances of dance, and for the sale of alcohol without perimeter restrictions. The outdoor events are limited to six notwithstanding temporary event notices therefore in reality they have the potential to be numerous. These outdoor events can also take place in the working and school week causing unreasonable disturbance. According to the proposed license, the outdoor event would finish at 2230 however alcohol would continue to be sold and consumed until 2300 Sunday to Thursday and then late night refreshment available for another hour beyond this time. On Fridays and Saturdays the time would be even later. Because of the large outdoor capacity such events would cause many customers to inevitably make a lot of noise disturbing many residents late into the night both in the week and at the weekend.

I am concerned the proposed license from Avery Fields Sports & Events Ltd will cause harm to children. I have detailed the following reasons:

The noise disturbance outlined above will affect the sleeping patterns of children in bordering residences which will put them at an educational disadvantage to their peers. Further, the noise disturbance caused by licensable activities will present children with challenging conditions under which they are to complete their homework.

I want to use my personal experience in this point. I've lived on Poplar Avenue from birth, I'm 18 years of age now. When I was younger, I used to engage in a lot of extra curricular activities, as an adolescent I would catch the bus back home getting off on the Sandon Road on which the entrance of the development is situated, often I would return home late at night. On some occasions there were drunk and disorderly individuals that approached me and were intimidating in their behaviour. I am strongly concerned for the current and future adolescents that live in bordering residences, naturally they are going to pursue extra curricular activities and catch the bus back home, I feel a venue of this nature opening so late in an area with so many families will increase the likelihood of drunk individuals in the vicinity inevitably behaving in disorderly ways consequently creating an unnecessary risk to children. As I write this representation I've even recalled a time at fourteen or fifteen years of age when I was approached by a prostitute who was clearly intoxicated probably on an illegal psychoactive substance. There was a general problem with prostitution and drugs in the area which has much improved but still remains somewhat, it has affected children in the past and granting the proposed license will make the situation worse again.

As part of the forum I have had many parents ask me to address the issue of drug dealing in the area because of the risk it poses to their children. The capacity of the forum is limited in this domain however we can raise awareness with the police. The problem of drug dealing will worsen with a late night license exposing impressionable children to the wrong impressions.

I am concerned the proposed license from Avery Fields Sports & Events Ltd will cause crime and disorder. I have detailed the following reasons:

It is worth noting recovering drug addicts including many with alcohol addictions live in the dense residential area, at the recent meeting I chaired for residents regarding this application the vicar from St. Mary's Church which is situated nearby and who also lives on Poplar Avenue expressed his concern for these recovering addicts. He currently holds regular meetings at his Church to provide them with much needed support. In light of the fact there are recovering alcoholics in the area he compassionately requested alcohol not leave the clubhouse which all residents unanimously supported. Affecting the rehabilitation of alcoholics in the name of profit is unjustifiable. The unnecessary increase in alcoholism will also produce additional crime and disorder.

I would like to clarify it is true the recovering alcoholics could take a short walk to the high street and purchase alcohol from one of several establishments or off licenses, however when the alcohol is out of sight it's out of mind and therefore not as tempting. Avery Fields Sports and Events Ltd brings the sale of alcohol by retail both on and off the premises to a dense residential neighbourhood, recovering alcoholics will live so close to a venue for social entertainment in which alcohol plays a central role. If it's in sight then it's in their mind, the temptation for them is then constant. It's different if we were dealing with a recreational facility that made use of a license in that context however that isn't the intention of this venue.

This venue by proposing a license so late would increase the incidents of drug related offences and prostitution which not only poses a risk to children as detailed in the previous section but is a clear criminal offence amongst adults.

The fact alcohol may be consumed anywhere on the premises means drunk customers that are prone to disorderly behaviour are bordering the back gardens of residences which could lead to criminal damage of adjacent properties. Also the fact PC Rohomon said at the previous hearing that from the border of the premises he could see into the back bedroom of residents means customers could potentially invade the privacy of residents. PC Rohomon did suggest limiting the perimeter where alcohol could be consumed however Avery Fields Sports & Events Ltd haven't since adopted this proposal.

I am especially concerned that during large scale outdoor events potentially a large number of customers will roam so close to residential property.

The proposed ending time of licensable activities will lead to a late night increase in disorderly behaviour in local streets on occasion producing rowdiness and shouting disturbing the front of residences not only directly adjacent to the development but on the opposite side of the road too and probably other streets nearby as some drunk and disordered customers walk home or walk over to the nearby high street to get a takeaway.

I want to raise some other issues that are relevant to the license application.

The land contains a covenant to observe. The license application is in gross violation of the covenant. In 1926 the covenant was put in place to protect local residences from exactly the situation that has arisen. The facility was to be used for recreational purposes, not as a venue for social entertainment, restrictions were put in place to reduce the harm to bordering residences. The spirit of the covenant is such that the land be used as a playing facility not a social venue. Residents feel powerless because the new occupiers of the land have ignored the covenant and the residents are without the means required to launch a legal response.

This brings me onto another point. Residents have consistently stated they do not oppose a playing facility and so do not oppose a reasonable license in this context because that was in the original planning agreement, residents oppose a venue for social entertainment which they did not approve. The planning documentation for this development states:

“The application seeks planning consent for the development of a disused grassed private playing field to form a new playing field facility primarily for rugby.”

Residents were informed the facility would be used in that capacity, the clubroom bar was part of the plans for the structure in that context. Residents now feel they were deceived since Avery Fields Sports & Events Ltd submitted their previous license application for a Multi Purpose Venue. While in the most recent application they have changed the premises type to a social venue, approximately thirty residents witnessed at the recent meeting in relation to this application the representative from Avery Fields Sports & Events Ltd ' state his openness to holding a range of events consistent with a Multi Purpose Venue. He spoke of the venue as a sports facility, a social club, further he wanted social participation from the local public which to me suggested similarities to a pub, and he was open to holding functions not relevant to the local area such as hiring the venue for wedding receptions, the list of what he was open to was very broad. Many residents feel they have been deceived and are even more disheartened that Avery Fields Sports & Events Ltd can change the purpose of the venue without consulting them. Residents in mass have informed me that if they had been told the truth from the start they would have objected to the original plans. Avery Fields Sports & Events Ltd have not only violated the covenant but they have also violated the original planning documentation in which planning permission was granted for a playing facility.

I want to make another important point. According to the dictionary a social club is defined as 'a formal association of people with similar interests' however at the recent meeting ' stated his intention to make use of the premises for a range of purposes which would be better described as a Multi Purpose Venue. The premises type contextualises the license application, I feel the use of the term social club which is a modification on the previous application is not sincere and therefore an attempt to mislead the licensing committee. At the previous hearing Cllr Barbara Dring stated the licensing sub-committee did not have 'full confidence' that the club would be able to uphold licensing objectives, I have no reason to believe the situation has since changed.

That concludes my representation.

I would like to request the next hearing take place when Cllr Barbara Dring is available to chair because her experience from the previous hearing will be highly relevant.

I would also like to request the date for the hearing provide ample time for the North Edgbaston Neighbourhood Forum to prepare its response. Since we must represent the views of residents we need to call another meeting to consult as many affected residents as possible before we can prepare our response.

· Poplar Avenue
B17 8ER

Appendix 13

From:
Sent: 29 August 2018 08:34
To: Licensing
Subject: Letter of Representation re License for Avery Fields.
Attachments: letter to licensing 29.08.18.doc

Please find attached our letter re Avery Fields , Sandon Rd, Edgbaston



Virus-free. www.avg.com

To : Licensing Department
Birmingham City Council

29th August 2018

From :
[redacted], Poplar Avenue,
Edgbaston.
B17 8EG

Dear Madame/Sir

Thank you firstly for listening to the concerns of the residents, police and environmental officer at the previous hearing about this site.

We are now writing to strongly object to the license being sought by Avery Fields Sports and Events Ltd.

- The original plans were for a single storey Clubhouse along with changing rooms etc, and for a time of 08.00 - 23.00. A couple of members of the club even came to a meeting of the local North West Edgbaston Neighbourhood Forum to reassure the community of their intention to not provide any annoyance to residents.
- The fields in question are a large area (13 acres) roughly in a rectangular shape, each side being lined with houses whose gardens back onto the field. In other words a totally residential area, many houses have children as part of the family units.
In our case, the garden of our house backs onto the field at the half way point of the all season pitch and is in close proximity to the Social Club and its car parking.
- We were able to hear the voices of the handful of builders whilst the building work was progressing on the club house.
- We already have the noise of the rugby practice sessions during which we can distinctly hear many of the instructions issued from our garden and during the last few weeks of good weather, with windows and doors open, in our lounge and bedroom too. This will be less noticeable during the winter but in the summer months will intrude into our lives significantly.
- However that is all sport, the application now for the use of the club house and grounds as an events venue naturally worries us significantly given the fact that we can hear this level of noise already. The noise of any event, day or night, will carry into all our gardens and houses; especially in the case of an outdoor event (for 500+ was mentioned).
- The car parking is for 83 cars and 2 coaches we note, on larger events where will the rest park we wonder? Our streets in the neighbourhood are already fairly full with home owners cars and their own visitors! The noise of vehicles moving will be disruptive anytime and especially if the club is open late, plus the sounds of taxis arriving and departing.
- Even indoors events, with 100 seated or 200 standing, there would be all the

Appendix 14

From: -
Sent: 29 August 2018 23:40
To: Licensing
Subject: :Objection to new licensing application for Avery sports site off Sandon Road

Dear Sir / Madam,

We object to the application for a licence for the bar until at least midnight (including 'late night refreshment') every day on the former Avery site for the following reasons.

- Having lived at my current property for over 12 years, i believe the implementation of a bar on the field will cause quite a lot of disruption to the local community. By enabling a bar to open you are opening up a door of issues, the community will constantly be disturbed by noise from the bar and potential outdoor events.

If the application is approved it is highly likely that this family orientated neighbourhood will see an increase to anti-social behaviour, in addition to a potential decrease in property value due to the above.

I therefore object the application and believe this should not go ahead as it is not an exciting new innovation that will benefit the community, instead by passing this we will experience a lot more issues.

Kind Regards

City Road, Birmingham, B17 8LH

Appendix 15

From:
Sent: 29 August 2018 23:07
To: Licensing
Subject: Drinking licence Avery Fields

Dear Sir/Madam,

I am writing to express my concern over the drinking licence for Avery fields. I am against this as a resident living in the area I find the approval of this licence will cause a lot of traffic and noise, this being a residential area is not ideal. Also the opening times are too late for any families with children within the area.

Kind regards

Sent from my Samsung Galaxy smartphone.

Appendix 16

From:
Sent: 29 August 2018 16:25
To: Licensing
Subject: Re: Avery Playing Field, Sandon Road, Birmingham

Dear Sir / Madam

I have been a resident of Wadhurst Road adjacent to the Avery Playing Fields for long enough to remember the days when it was used for its purpose as specified in its Deed of Covenant. Consequently I was very pleased to learn that it was to be brought back to life as a 'Centre of Excellence' for the Bourneville Rugby Club.

Alas, its use for sport seems now to have been transmuted into a venue for a variety of social events, some of which are likely to constitute a late-night drinking club with the likelihood of disturbance to the many people whose homes border the fields. With this in mind I urge the licensing authority to insist that the times made available for socialising are restricted to suitable hours.

Yours faithfully

Wadhurst Road
Edgbaston
BIRMINGHAM
B17 8JF

Email:

Appendix 17

From:
Sent: 30 August 2018 09:36
To: Licensing
Subject: Objection to licensing application re Avery Fields/Sandon Road Site

Dear Sir

I wish to register my objection to the licensing application for the Avery Fields site and to give notice that I wish to attend the hearing of the application and address the panel.

I am a resident of Wadhurst Road and will be affected by the activities allowed on Avery Fields. My objections are that the proposed activities:

Would breach the restrictive covenants on the use of the land; Ignore the wholly residential nature of the location; The likely noise and disruption would adversely affect children and families living close to the venue; Would create extra traffic which would cause increased risks to local residents; Are likely to create unreasonable nuisance to local families.

Please let me have details of the application hearing.

Yours faithfully

Sent from my iPad

From:
Sent: 30 August 2018 09:31
To: Licensing
Subject: RE: Avery Fields Sports & Events Ltd

Hello,

This email is in regards to objection to the activities licence Avery Fields Sports and Events Ltd have put forward on 79 Sandon Road premises. Our main objections are as follows:

- Events after 9:30pm should not be allowed on these premises as it will be very noisy. Most of our household work full time and this will cause nuisance and as the premises are right behind our back garden. Late night noise will cause disruption for us.
- Alcohol consumption and use should not be allowed off the premises. This will cause increase crime in the area, not safe for public living in the area and will cause nuisance for us residents.

Our details are as follows:

Wadhurst Road
Edgbaston
B17 8JF
Tel:

Kind Regards

Appendix 19

From:
Sent: 30 August 2018 10:42
To: Licensing
Subject: Avery Fields Sports & Events Ltd - Noise Nuisance

Hello,

RE: Avery Fields Sports & Events Ltd. 79 Sandon Road Edgbaston B17 8DT

I am writing to register my objection to the application for an activities licence by Avery Fields Sports and Events Ltd.

The reason why we would like to raise an objection to these activities is that we live on Wadhurst Road, Edgbaston and these premises are right behind our back residential garden and very concerned about the negative effects of this licence. We are family with 4 children and our children are all aged under 10. Our main concerns are that events and entertainment activities should not be allowed to run after 9:30pm as it will be considerably noisy for my children. We would like to urge the licensing committee to refuse this application as noise nuisance and disorder will have considerable effect on our family. Our children's safety is our paramount concern and we cannot have problem levels to increase in our area.

Also the sale and consumption of alcohol off the premises will impact our safety too. We are very already concerned about the crime rate in the area. This licence will cause further problems to crime and anti-social behaviour in our area.

Wadhurst Road
Edgbaston
Birmingham
B17 8JF

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 24 AUG 2018 REF NO INITIALS
--

Poplar Avenue
Edgbaston
Birmingham
B17 8EG

Birmingham City Council
Licensing Section
PO Box 17013
Birmingham
B6 9ES

24th Aug 2018

I have been informed that the Avery Sports Field on Sandon Road have applied for a licensing and entertainments licence.

Speaking from experience from being a committee member of the old Avery club, when we had functions with just 40 to 50 people, there were many complaints about the noise and disturbance at the end of the function.

Now as a result of recent neighbourhood meeting it looks as there will be 300 to 400 people at various functions inside and out. I was initially in favour of the sports field being used again as it appeared it was only going to be a small community field.

At the meeting one of their spokesmen told us that they wanted to hire outside events to raise funds for the upkeep of the facility. I feel this will cause a lot of problems for local residents and is much bigger in scope than originally planned. The local residents are united and rightly fearful of the noise and nuisance this creeping expansion of purpose will incur. I would emplor your Licensing decision to reflect this and reject or curb the ambitions in this matter.

Appendix 21

From:
Sent: 30 August 2018 12:49
To: Licensing
Subject: Avery Fields Sports and Events Ltd 85 Sandon Road B17 8DT
Attachments: Letter Licensing Aug 2018 signed.jpg; Letter re Licensing - August 2018.pdf; Avery Sports Ground Covenants.pdf; 2FC23A38-FC65-4EB8-A3D0-7DC13CD6A45B.png

As a resident living in Poplar Avenue, B17, I object to the revised application for alcohol licensing for these premises on the grounds that a time limit later than 22:30 does not ensure compliance with the conditions of grant of Planning Permission, and is therefore likely to give rise to significant public nuisance.

The attachments are a pdf copy of my formal statement, and a scan of a signed copy.

I have been involved with various community activities for more than 15 years. I am aware that most people in this area welcome the use by the Rugby Football Club because this ensures the continued use of the site for sports activities. However, the addition of a commercial catering and events company is of concern. It appeared from information at the June meeting of your committee that it is intended to compete with local hotels for business unrelated to sporting activities. This will greatly increase the level of possible public nuisance.

The general public, without commercial funding, relies upon committees such as yourselves to ensure that the conditions of the Covenants, and of the Planning Permission, are enforced.

Yours faithfully

--

Poplar Avenue,
B17 8EP
29 August 2018

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

Re revised application for
Avery Fields Sports and Events Ltd
85 Sandon Road
B17 8DT

I repeat my original objection that the proposal by the applicant to extend the licensing hours from the original 23:00 in the Planning Application for this site, is likely to result in significant public nuisance.

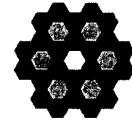
The Planning Applications 2015/02982/PA and 2015/02983/PA for this project were granted with a condition that activities be restricted to 8 a.m. to 23:00 p.m., 7 days a week. The West Midlands Police response to this Licensing Application as presented in June 2018 was for a licensing limit of 22:30 every day. This ensures that the conditions in the Planning Application are observed.

I have some commentary on the above, informed by about 15 years active involvement with North West Edgbaston Neighbourhood Forum, 20 years professional experience installing audio systems including at Stourbridge R.F.C., and about 15 years election campaigning in Birmingham gaining voter's opinions.

1. It is one thing to allow for an established member of the RFC to say to the Committee, "My daughter is getting married next year, and I was wondering whether we can borrow the club house for the reception, please." **It is totally different to have a commercial enterprise competing with hotels on Hagley Road for this type of business, as became apparent at the June Licensing Committee meeting. This will severely increase the prospect of public nuisance.**
2. During the hot weather, I found that late night parties in people's back gardens easily heard over a quarter mile distance across the back gardens. In the enclosure between Poplar and Willow Avenues, the back walls of houses retain the sound so that it travels further. Possible noise nuisance is not only an event. It is also people getting into cars and coaches to drive away afterwards.
3. We were advised that a Farmer's Market needs an off sales license for a stall holder to sell a speciality beer. But it appeared to be made known at the Licensing Committee that this type of event does not require the off-license. Therefore there is no need for this Application to include this provision. (Farmer's Markets and car boot sales could be a plus point provided that there is not too much of a problem with customer's cars.)
4. This building has potential for wider use for activities such as Neighbourhood Forum meetings, and performances by local amateur choirs, dramatic societies, etc. We are open to that type of use, and the building could be a community asset. The 22:30 licensing time limit is consistent with having a dramatic society performing Shakespeare, or an operatic society performing Gilbert & Sullivan.

This application relates to premises within a built up residential area. The greater height of the clubhouse makes it very much more important that the licensing hours are not extended, because the potential for noise nuisance is increased.

Yours faithfully



Official copy of register of title

Title number WK203598 Edition date 25.05.2017

This official copy shows the entries on the register of title on 02 JUL 2018 at 21:01:17.

This date must be quoted as the "search from date" in any official search application based on this copy.

The date at the beginning of an entry is the date on which the entry was made in the register.

Issued on 02 Jul 2018.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

This title is dealt with by HM Land Registry, Coventry Office.

A: Property Register

This register describes the land and estate comprised in the title.

WEST MIDLANDS : BIRMINGHAM

- 1 (09.01.1973) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land and buildings on the North West side of City Road, Edgbaston.
- 2 The land has the benefit of the following rights granted by but is subject to the following rights reserved by the Conveyance dated 4 May 1926 referred to in the Charges Register:-

"TOGETHER with the right of drainage for the passage or conveyance of sewage water and/or surface water from the piece of land thereby conveyed into the public sewer and/or drain in Bernard Road along a strip of land not exceeding twelve feet in width the position of which is shown by the lines marked "A" "B" and "C" on the said plan with power for the Purchasers (but not until after they shall have given to the Vendors or their successors in title or their agents for the time being three calendar month's notice in writing of their intention so to do) to enter on the said strip of land and therein at their own cost in all respects to lay out and construct at levels and of materials patterns and sizes to be previously approved in writing by the agents for the time being of the Vendors or their successors in title and by the City Authorities a sewer and/or surface water drain leading into Bernard Road thereafter to repair and maintain the same PROVIDED ALWAYS that at any time after such sewer and/or surface water drain shall have been so constructed by the Purchasers or their successors in title the Vendors or their successors in title shall have the free right (to take effect and be exercised within the lifetime of the survivor of the issue now living of His late Majesty King Edward the Seventh and twenty-one years thereafter) to use such sewer and/or surface water drain for all reasonable and proper purposes and for any such purposes to make all such connections thereto and at any such point or points as may be reasonable or proper and upon and after such user by the Vendors or their successors in title so much of the said sewer and/or surface water drains as shall be so used by the Vendors or their successors in title shall until taken over by the Local Authority be repairable at the joint and equal expense of the Vendors or their successors in title and the Purchasers or their successors in title AND PROVIDED ALSO that if the Vendors or their successors in title shall have previously laid a sewer and/or surface water drain in any part of the said strip of land and shall have connected the same with the sewer and/or surface water drain in Bernard Road then and in that case the powers

A: Property Register continued

hereinbefore granted to the Purchasers shall be modified and the Purchasers or their successors in title shall be at liberty to use such sewer and/or surface water drain and to connect their sewer and/or surface water drain (if and when laid and constructed) with such sewer and/or surface water drain of the Vendors or their successors in title and shall thereafter from time to time pay to the Vendors or their successors in title and equal half part of the cost of repairing and maintaining so much thereof as shall be used in common by the Purchasers or their successors in title and the Vendors or their successors in title until taken over by the Local Authority

PROVIDED ALSO that the Purchasers and their successors in title shall at their own expense make good all damage or disturbance which may be caused to the surface of the said land in relation to such laying constructing connecting repair or maintenance carried out by them in pursuance of the powers hereby granted EXCEPT AND RESERVED out of this grant and conveyance (1) any right of access of light or air from or over the other lands now belonging to the Vendors adjoining the said land hereby conveyed on the North-East and South-East sides thereof and (2) the free right and liberty for the Vendors and their successors in title and their respective lessees and tenants and all other persons duly authorised by them respectively to use and maintain all existing drains and sewers (if any) in or under the piece of land hereby conveyed for the benefit of the said adjoining lands of the Vendors and any existing or future buildings on any part thereof."

-NOTE: Copy plan filed.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (19.11.2004) PROPRIETOR: PERSIMMON HOMES LIMITED (Co. Regn. No. 04108747) of Venture Court, Broadlands, Wolverhampton WV10 6TB.
- 2 (19.11.2004) The price stated to have been paid on 29 October 2004 was £1,500,000 plus VAT.
- 3 (19.11.2004) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 A Conveyance of the land in this title dated 4 May 1926 made between (1) Henry Gillott Weiss and Theodore Hornung (Vendors) (2) W. & T. Avery Limited and (3) The Soho Trust Company Limited (Purchasers) contains covenants details of which are set out in the schedule of restrictive covenants hereto.
- 2 (25.05.2017) UNILATERAL NOTICE affecting the sports ground at Avery Fields in respect of an agreement to acquire the property dated 12 May 2017 made between (1) Avery Fields Community Sports Trust and (2) Persimmon Homes Limited.
- 3 (25.05.2017) BENEFICIARY: Avery Fields Community Sports Trust (Co. Regn. No. 10515820) of 4 Albany Road, Harbourne, Birmingham B17 9JX.

Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 4 May 1926 referred to in the Charges Register:-

Schedule of restrictive covenants continued

"AND the Purchasers and W. & T. Avery Limited hereby covenant and each of them hereby covenants separately with the Vendors to the intent and so as to bind (so far as practicable) the property hereby conveyed into whosoever hands the same may come and to benefit and protect the remainder of the Testator's Rotton Park Estate whether now remaining in the hands of the Vendors or already sold and conveyed or demised by them or their predecessors in title as follows:-

1. THAT they the Purchasers will not at any time hereafter build or cause or suffer to be built or to be or remain upon each one of the three portions of the property hereby conveyed which front to Sandon Road and City Road and are marked respectively "X" "Y" and "Z" on the said plan more than one detached dwellinghouse or in the alternative upon each one of the said plots marked "X" and "Y" on the said plan more than one pair of semi-detached dwellinghouses and will not in the erection of each of such detached or semi-detached dwellinghouses lay out and expend a less sum than Seven Hundred and Fifty Pounds

2. AND ALSO that they the Purchasers will not at any time hereafter build or cause or suffer to be built or to be or remain upon any part of that portion of the property hereby conveyed which lies within fifty yards of the boundaries of such property at the rear of the lands messuages and houses of purchasers or lessees of other parts of the Rotton Park Estate fronting to Sandon Road and City Road or either of such roads or on any part thereof any dwellinghouses other than detached or semi-detached dwellinghouses and will not in the erection of each of such detached dwellinghouses lay out and expend a less sum than Six Hundred Pounds and in the erection of each of such semi-detached dwellinghouses will not lay out and expend a less sum than Five Hundred and Fifty Pounds

3. AND ALSO that they the Purchasers will not in the erection of any dwellinghouse at any time hereafter to be erected or built upon any part of the remainder of the property hereby conveyed lay out and expend a less sum than Five Hundred Pounds

4. AND ALSO that they the Purchasers will not at any time hereafter build or cause or suffer to be built or to be or remain

(a) Upon those portions of the property hereby conveyed which are described in Sub-clause (1) hereof or on any part thereof respectively any buildings or erections other than such detached or semi-detached dwellinghouses as are mentioned in Sub-clause (1) hereof with usual outbuildings

(b) Upon that portion of the property hereby conveyed which is described in Sub-clause (2) hereof or on any part thereof any buildings or erections other than such detached or semi-detached dwellinghouses as are mentioned in Sub-clause (2) hereof with usual outbuildings and/or such other buildings as are hereinafter authorised

(c) Upon the remainder of the property hereby conveyed (i.e. excluding those portions thereof which are referred to in Sub-clauses (1) and (2) hereof) or on any part thereof any buildings or erections other than such dwellinghouses as are mentioned in Sub-clause (3) hereof with usual outbuildings and/or such other buildings as are hereinafter authorised And will not at any time hereafter build cause or suffer to be built or to be or remain upon the property hereby conveyed or on any part thereof whatsoever any back dwellinghouse or dwellinghouses of the description of labourers' or poor persons' houses nor any other small dwellinghouse or dwellinghouses nor any other erection or building whatsoever which shall or may be deemed a nuisance or injurious to the Vendors or any purchaser or purchasers or lessee or lessees of theirs or the tenant or tenants of such purchaser or purchasers lessee or lessees

5. AND ALSO that they the Purchasers will not at any time use the property hereby conveyed or any part thereof or permit or suffer the same or any part thereof to be used for the purpose of carrying on any trade or manufacture or as a beer shop or alehouse tea garden public strawberry garden or any other place or public resort or amusement whatsoever whether allowed a license by Act of Parliament or otherwise or for any other purpose which shall or may be deemed a nuisance or

Schedule of restrictive covenants continued

injurious to the Vendors or any purchaser or purchasers or lessee or lessees of theirs or the tenant or tenants of such purchaser or purchasers or lessee or lessees

PROVIDED ALWAYS that the Purchasers and their successors in title shall be at liberty to use the land hereby conveyed and shown edged with pink and in part hatched with pink on the said plan or to permit or suffer the said land to be used:-

(a) For the purposes of a private recreation ground used for organised games by employees of the Purchasers or W. & T. Avery Limited their respective successors or assigns or by members of a private athletic club formed for the benefit of such employees and for the purpose of matches or competitions with other clubs but so that save as hereinafter expressly provided the general public shall not be admitted to such recreation ground on payment of money and no bands or loud musical instruments or wireless loud speakers shall be played thereon Provided that the Purchasers and their successors in title or their lessees or tenants may admit the general public to such recreation ground on payment of money and/or may make use of a band on not more than three days in each year And provided also that such user as a recreation ground (including user for matches or competitions admission of the public on payment of money and use of a band) shall at all times be such as not to constitute a nuisance or a serious (that is to say genuine or real not trifling) annoyance or be injurious to the Vendors or any purchaser or purchasers or lessee or lessees of theirs or the tenant or tenants of such purchaser or purchasers or lessee or lessess or to the owners or occupiers of any adjoining premises in the neighbourhood

(b) For the erection of (i) a pavilion and/or (ii) a caretaker's house Provided that no such pavilion or caretaker's house or any outbuilding or other erection used in connection therewith shall be erected or made nearer than twenty-five feet to the back boundaries of the lands and premises of purchasers or lessees or other parts of the Rotton Park Estate fronting to Sandon Road and City Road and/or (iii) an electrical transformer and/or an automatic telephone exchange and/or a similar building or buildings of public utility Provided that no such last mentioned buildings referred to in paragraph (iii) shall be erected excepting only along the north-western boundary of the property hereby conveyed and no such building nor any outbuilding or erection used in connection therewith respectively shall be built or made nearer than thirty feet to the back boundary of the lands and premises of purchasers or lessees of other parts of the Rotton Park Estate fronting to Sandon Road Provided also that no such building or erection authorised by this Sub-clause (b) shall be erected or made except in conformity with a plan and elevation and upon a site to be first submitted to and to be subject to the reasonable approval of the Vendors or their successors in title or their agent for the time being which site shall not be upon any of those portions of the said property marked respectively "X" "Y" and "Z" on the said plan and subject also to each such erection and the user thereof respectively being such as not to constitute a nuisance or a serious (that is to say genuine or real nor trifling) annoyance or be injurious to the Vendors or any purchaser or purchasers or lessee or lessees of theirs or the tenant or tenants of such purchaser or purchasers or lessee or lessees or to the owners or occupiers of any adjoining premises in the neighbourhood

6. AND ALSO that they the Purchasers and their successors in title will forthwith erect along the north-eastern boundary of the said property a proper and sufficient closed fence not less than four feet six inches in height and will at all times hereafter maintain such fence

7. AND ALSO that they the Purchasers will not at any time build erect or make or cause or suffer to be built erected or made or to be or remain upon those portions of the property hereby conveyed which front to Sandon Road and City Road and are marked "X" "Y" and "Z" on the said plan and building erection or obstruction of any kind whatsoever except boundary walls gates or fences nearer to Sandon Road and City Road aforesaid than the existing building lines of the land immediately adjoining the said portions of the property hereby conveyed on either side there respectively."

assessed in accordance with British Standard 4142 (2014) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.

Reason: In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.

16 Limits the hours of use of the clubhouse pavilion to between 08:00 and 23:00 hours Mondays -

Sundays

The clubhouse pavilion shall only be used between the hours of 08:00 and 23:00 hours Mondays to Sundays.

Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8, 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

17 Requires the prior submission and completion of works for the S278/TRO Agreement

The development shall not be occupied until a package of highway measures has been approved by the Local Planning Authority and the approved measures have been substantially completed. The package of measures shall include any alterations to the existing footway crossing and accessway to facilitate the manoeuvring of vehicles entering and leaving the site, including any work relating to street furniture/statutory undertakers equipment and are to be carried out at the applicants expense to Birmingham City Council specification.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.

18 Requires the parking area to be laid out prior to use

The development hereby approved shall not be brought into use until vehicle parking has been constructed, surfaced and marked out in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.

Reason: In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005, the Car Parking Guidelines SPD and the National Planning Policy Framework.

19 Requires the prior submission of cycle storage details

The development hereby permitted shall not be brought into use until details of the provision for the

From:
Sent: 30 August 2018 14:54
To: Licensing;
Subject: Re: Licensing Act 2003 - (Grant) Avery Fields Sports & Events Ltd, 79 Sandon Road, Edgbaston, Birmingham, B17 8DT

Hello,

Dear Sirs,

I object to the application for the sale of alcohol for consumption both on/off the premises at the location above.

This is surrounded by residential properties with families and young children too. It is inappropriate to have such a business in such a densely residential area.

It would be noisy until very late and into the early hours.

Yours sincerely

From:
Sent: 30 August 2018 17:33
To: Licensing
Subject: Objection to new licensing application for Avery sports site off Sandon Road

Dear Sir / Madam,

I object to the application for a licence for the bar (including 'late night refreshment') until at least midnight every day on the former Avery site. My reasons are as follows:

- It would seem that the local community have been misled by the Bournville Rugby Club regarding the planned times of opening of the bar. At a Neighbourhood forum meeting last year when representatives of the rugby club attended, we were reassured that opening times would be limited and respect given for the local community living around the sports field. The truth is that little or no respect for the quality of life of those homes that border the playing field has been shown. The late night opening was never mentioned and the use of the area as far more than a rugby club was also not mentioned.
- There has been much effort put in by local people together with the police to try and reduce the presence of drug dealing in the area. An abundance of alcohol together with 'events' taking place late at night may well undo the efforts made in connection with use of drugs. We wish to protect our youth.
- There are many households who have young children, many of school age. It will place a huge disruption to their ability to sleep with the noise of late night events and revellers leaving in cars until the early hours. A rugby club is one thing, but an events building is a quite different matter.
- Vehicular access from Sandon Road is both dangerous and disruptive, as the entrance is close to the Barnsley Road junction.

On these grounds I object to the application from Avery Sports Site for late night opening. There has been lack of transparency and honesty throughout the process.

Yours truly,

Fountain Road, Edgbaston

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

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Avery Fields Sports & Events Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description		BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED REF NO. £100 INITIALS M 0076724/000550	
79 Sandon Road Edgbaston			
Post town	Birmingham	Postcode	B17 8DT
Telephone number at premises (if any)		Via Agent	
Non-domestic rateable value of premises		£ Not yet listed. {Under construction}	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|---|---|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

*** If you are applying as a person described in (a) or (b) please confirm:**

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number			Via Agent for the applicant		
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	Avery Fields Sports & Events Ltd
Address	
Registered number (where applicable)	
Company number	11282490
Description of applicant (for example, partnership, company, unincorporated association etc.)	Sports and Events company set up to run this venue, and to include Bourneville Rugby Football Club.
Telephone number (if any)	
E-mail address (optional)	Via Agent.:

Part 3 Operating Schedule

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

DD MM YYYY

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

DD MM YYYY

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

This site consists of a two storey purpose-built permanent clubhouse and sports fields on a 13-acre greenfield site situated just off the Hagley Road in Edgbaston.

The development will include a new two-storey clubhouse with 6 large en-suite changing rooms, a treatment room and laundry facilities situated on the ground floor and a club room with balcony, bar, kitchen and office on the first floor. There will also be two full size grass pitches and one full size RFU accredited artificial pitch with floodlights situated adjacent to the clubhouse.

The car park spaces allow for 83 cars and two coaches.

The premises will have a positive impact on the community, which includes the people of the local area, suppliers, employees, customers. It will always show due diligence to the licensing objectives and ensure it has a positive impact in all it does.

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

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

☒

Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon	1100	2300	Please give further details here (please read guidance note 3)		
Tue	1100	2300			
Wed	1100	2300	State any seasonal variations for performing plays (please read guidance note 4)		
Thur	1100	2300			
Fri	1100	0000	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	1100	0000	New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day		
Sun	1100	2300			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	1100	2300		
Tue	1100	2300		
Wed	1100	2300		
Thur	1100	2300	State any seasonal variations for the exhibition of films (please read guidance note 4)	
Fri	1100	0000		
Sat	1100	0000	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day	
Sun	1100	2300		

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon	1100	2300	
Tue	1100	2300	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed	1100	2300	
Thurs.	1100	2300	
Fri	1100	0000	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5) New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day
Sat	1100	0000	
Sun	1100	2300	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)			
Thurs.						
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5) New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day			
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>	
					Outdoors <input type="checkbox"/>	
Day	Start	Finish	Both <input type="checkbox"/>			
Mon	1100	2300	Please give further details here (please read guidance note 3)			
			Indoors Sunday – Thursday 1100 – 2300 Friday – Saturday 1100 – 0000			
Tue	1100	2300				
Wed	1100	2300	State any seasonal variations for the performance of live music (please read guidance note 4)			
Thurs.	1100	2300				
Fri	1100	0000	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)			
			New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day			
Sat	1100	0000				
Sun	1100	2300				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	1100	2300	Please give further details here (please read guidance note 3) <u>Indoors</u> Sunday – Thursday 1100 – 2300 Friday – Saturday 1100 - 0000 <u>Outdoors.</u> Monday – Sunday 1100 – 2230		
Tue	1100	2300			
Wed	1100	2300	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thurs.	1100	2300			
Fri	1100	0000	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day		
Sat	1100	0000			
Sun	1100	2300			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	1100	2300	<u>Please give further details here</u> (please read guidance note 3) <u>Indoors</u> Sunday – Thursday 1100 – 2300 Friday – Saturday 1100 - 0000 <u>Outdoors.</u> Monday – Sunday 1100 – 2230		
Tue	1100	2300			
Wed	1100	2300	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur	1100	2300			
Fri	1100	0000	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day		
Sat	1100	0000			
Sun	1100	2300			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	1100	2300		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	1100	2300	Please give further details here Indoors Sunday – Thursday 1100 – 2300 Friday – Saturday 1100 - 0000 Outdoors. Monday – Sunday 1100 – 2230 New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day (please read guidance note 3)		
Wed	1100	2300			
Thurs.	1100	2300	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	1100	0000			
Sat	1100	0000	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	1100	2300			

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input checked="" type="checkbox"/>
Day	Start	Finish		
Mon	2300	0000	Please give further details here (please read guidance note 3) New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day	
Tue	2300	0000		
Wed	2300	0000	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
Thurs	2300	0000		
Fri	2300	0030	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)	
Sat	2300	0030		
Sun	2300	0000		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (guidance note 4)		
Mon	1100	2300	Indoors Sunday – Thursday 1100 – 2300 Friday – Saturday 1100 - 0000		
Tue	1100	2300			
Wed	1100	2300	New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day		
Thurs	1100	2300	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	1100	0000			
Sat	1100	0000			
Sun	1100	2300			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name
Address
Postcode
Personal licence number (if known)
Issuing licensing authority (if known)

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	0700	0000	New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day
Tue	0700	0000	
Wed	0700	0000	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Thurs	0700	0000	
Fri	0700	0100	
Sat	0700	0100	
Sun	0700	0000	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The premises {including the restaurant and bar} will be professionally supervised by the DPS and Duty Manager, as well as the appointed catering company and staff at all times.

There will be comprehensive policies and procedures in place to ensure that the premises are fully compliant with all four of the licensing objectives.

Staff training will be both comprehensive and reviewed on a regular basis, with records being retained at the premises and made available for inspection by any Responsible Authority at reasonable notice.

All new members of staff shall be trained within 1 month of commencing their employment.

b) The prevention of crime and disorder

The Premises Licence Holder will ensure that

- CCTV installed at the premises and WM Police will have full access to any recorded images.
- The CCTV will be professionally fitted, and that images will be held up to 31 days and these images will be made available upon request to any Responsible Authority.
- The CCTV system is recording whenever the premises is open for licensable activities

An "incident book" will be kept at the premises and completed on any occasion an incident occurs, this will be made available to all Responsible Authorities on request.

A "Refusals log" will be maintained at the premises and completed as appropriate, this will be made available to all Responsible Authorities on request, and be regularly reviewed by the DPS.

West Midlands Police Licensing department and Environmental Protection are to be notified 28 days in advance in writing by email of all events for the outside area

Where doorstaff are used, the premises are to risk assess the requirement for doorstaff in a written document, and make it available at the request by Responsible Authorities

Where doorstaff are used, the premises will retain profiles of the doorstaff, to be proof of identity (SIA badge, passport or driving licence) and proof of address (dated in the last 3 months). Proof of address is not required if proof of identity is a photo driving licence

When the clubhouse is hired for a private function, the Premise Licence Holder/DPS is to complete a written risk assessment, detailing [1] Hirer [2] Detail and description of event [3] Artists/DJ details, [4] Security provisions, [5] Search policy, [6] Dispersal policy, [7] Where it is being advertised, capacity as per the fire risk assessment (to be included)

The applicant will supply a written noise risk assessment and noise management plan, approved by Birmingham Council Environmental Health, prior to any regulated entertainment in the external areas.

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

c) Public safety

In accordance with the Licensing Act 2003, any person who appears to be drunk or heavily under the influence of alcohol will not be served by staff.

The Premises Licence Holder shall ensure that all entrances, exits and passageways are kept clear of debris or furniture, for ease of exiting the premises in the case of an emergency.

Car parking stewards will be in attendance at all times when the car park is used for matches or large events, in order to control traffic and monitor movement of vehicles.

d) The prevention of public nuisance

The Premises Licence Holder shall ensure that sufficient signage is displayed requesting customers to have regard for residents when leaving the premises.

Staff will ensure that regular litter picks take place at the frontage of the property, and the perimeter fence to ensure debris/litter is removed.

The Premise Licence Holder shall ensure that a written agreement is drawn up with reputable taxi companies to ensure that when taxi's pick up/drop off customers from the premises, noise from these vehicles does not cause a nuisance to local residents. Customers who require a taxi from the site are to be advised by staff to use taxi companies specified by the Premises Licence Holder. Taxi drivers are to be informed not to use their horns whilst waiting for customers to leave the premises.

The DPS is responsible for ensuring that patrons wishing to utilise the external areas to smoke do so quietly and that noise from patrons moving to and from the smoking shelter is kept to a minimum. He/She shall be responsible for ensuring that the smoking area does not create a nuisance to neighbours at premises and if necessary restrict the number of people utilising the smoking areas at any one time.

Events in the external areas shall be restricted to six per year. {Not withstanding TEN's}

The Premise Licence Holder will ensure that all external windows and doors (other than for necessary access/egress) remain closed, whenever licensed activities are taking place. The Balcony doors must also remain closed during regulated entertainment

The applicant will supply a written noise risk assessment and noise management plan, approved by Birmingham City Council Environmental Health Department, prior to any regulated entertainment in the external areas.

All operational controls and management required of the approved noise management plan is to be implemented at all times. If a noise risk assessment identifies a specific event or operation as a concern then a substantive noise

assessment will be completed and shared with Birmingham City Council Environmental Health Department for approval before any events take place.

If a noise monitoring report is required then monitoring by an acoustic consultant using subjective (consultations perception of the noise) and objective methods (noise monitoring using a Sound Level Meter) shall be undertaken at local noise sensitive residential premises and all results documented.

The monitoring locations and methodology are to be agreed with the Environmental Health before monitoring is undertaken.

Any Noise limiting Devices (NLD's) installed to meet the requirements of the licence shall be of a type approved by the Environmental Health and shall be fitted to the amplification system and set at a pre-set volume level, approved by the Environmental Health. This to ensure the volume of music is pre-set so as not to cause a noise nuisance to the occupiers of nearby buildings.

The installation of a NLD shall be notified to the Environmental Protection Unit at least 14 days before its' initial operation and shall fulfil the following criteria:

- a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position unless prior approval is given
- b) The device shall be capable of cutting off the mains power to the amplification system if the volume exceeds the pre-set level determined by the Environmental Protection Unit or shall be capable of maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit and shall not restore power to the sound system until the NLD is reset by the licensee or their nominated person.
- c) The amplification system shall only be operated through the sockets/power points linked to and controlled by the NLD at all times.
- d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification system is operational.
- e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD should not be used in a damaged or malfunctioning condition until approval has been given by the Environmental Protection.

If a noise monitoring report is required then monitoring by an acoustic consultant using subjective (consultations perception of the noise) and objective methods (noise monitoring using a Sound Level Meter) shall be undertaken at local noise sensitive residential premises and all results documented. The monitoring locations and methodology are to be agreed with the Environmental Health before monitoring is undertaken.

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a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position unless prior approval is given

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

e) The protection of children from harm

Staff will advise that children will not be allowed to approach the bar servery area, except at a designated position.

A challenge 25 Policy will be in place and is to be fully adhered to and only recognised forms of ID will be accepted.

Checklist:

Please tick to indicate agreement

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

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).

If signing on behalf of the applicant, please state in what capacity.

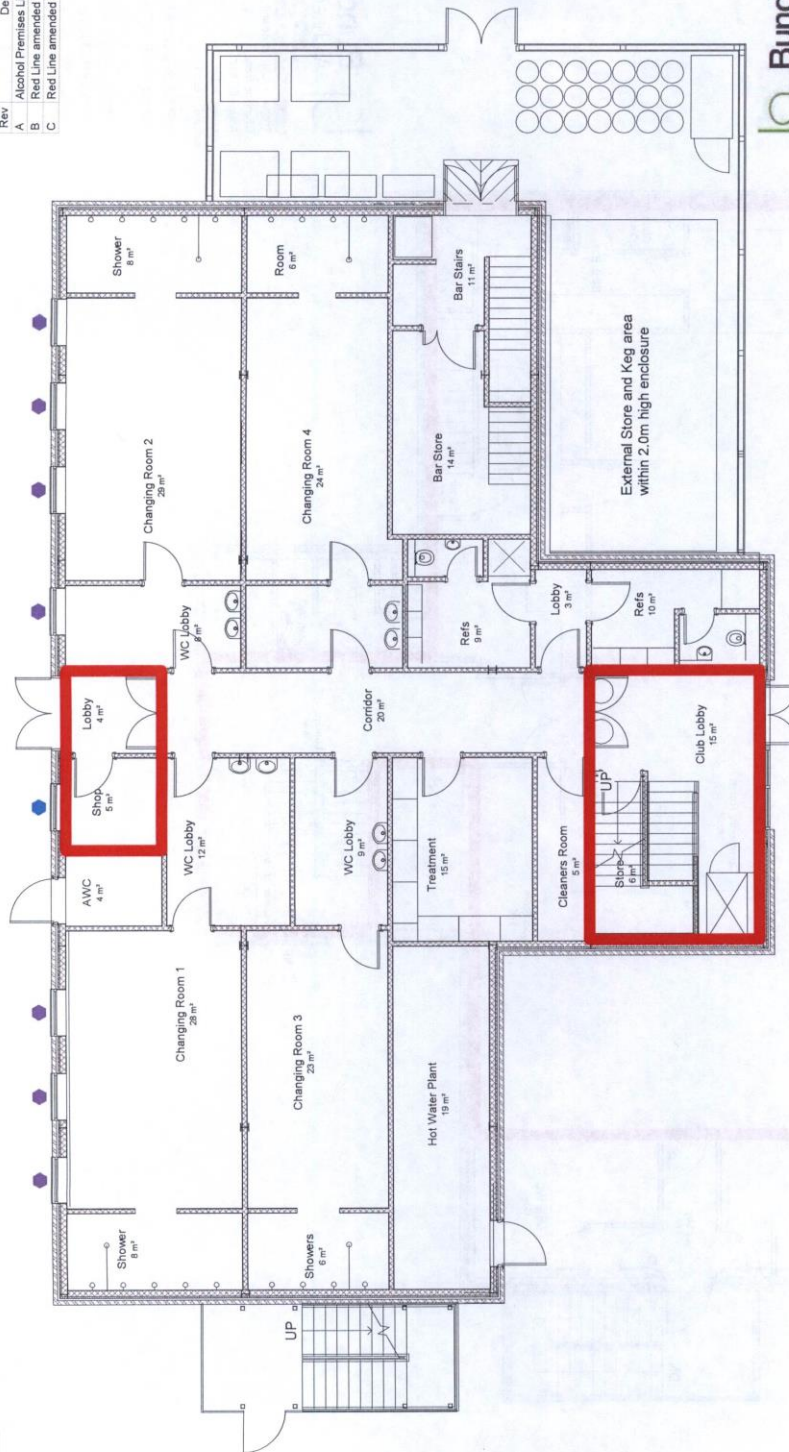
Signature	/
Date	31, July 2018

Capacity	Agent for and on behalf of the applicant
----------	--

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature			
Date			
Capacity			
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Robert V Edge Licence Leader Ltd 			
Post town	Birmingham	Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
..			

Rev	Description	Date
A	Alcohol Premises Licensing Amended Area	19.07.18
B	Red Line amended	31.07.18
C	Red Line amended	03.09.18



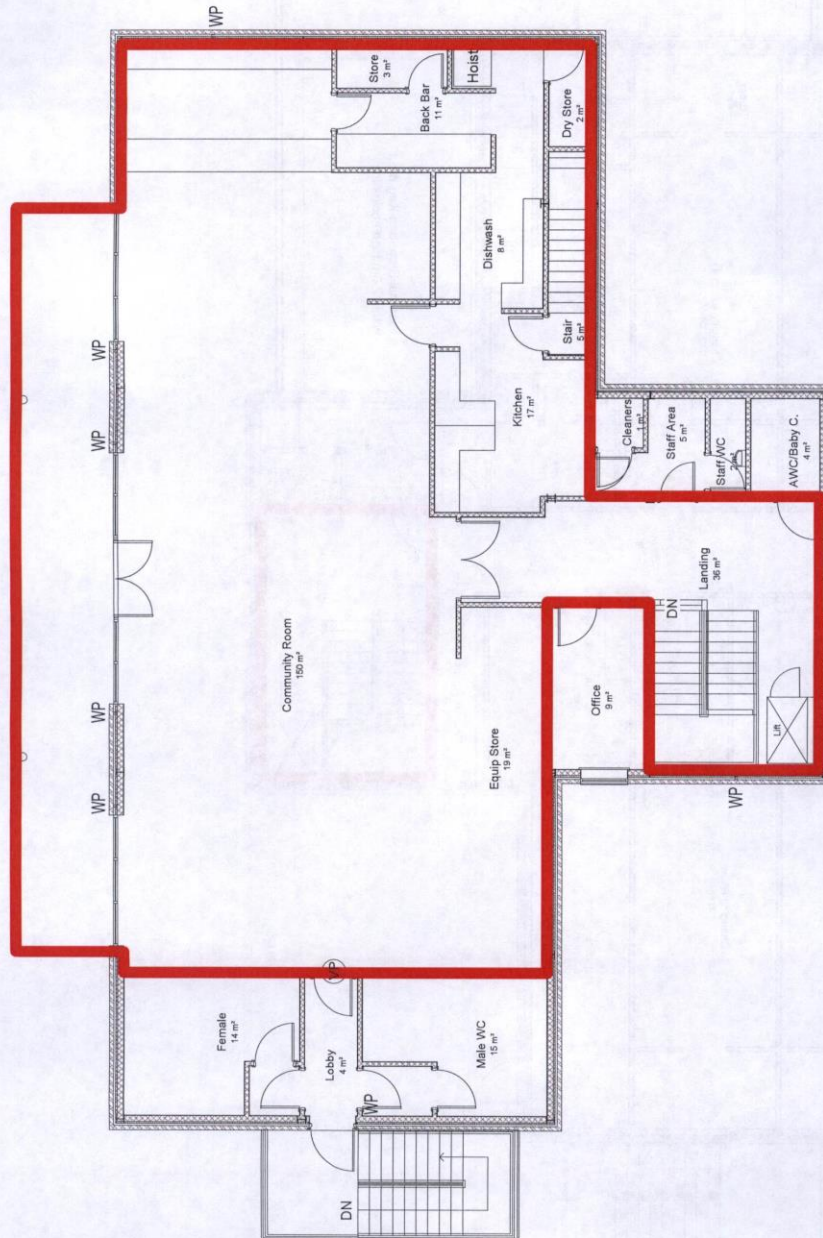
Bundred & Goode Architects
 bundred-goode.co.uk
 7 The Mews, High Wycombe, Bucks. HP12 3JF
 Tel: 0494 467799



Proposed Clubhouse and Changing Facilities
 Bourneville RFC
 "Avery Fields"
 Sandon Road

Drawing Title	
License Plan Ground Floor	
CONSTRUCTION	
MS	Scale: A3
426	Date
L2	Revision
C	

Rev	Description	Date
A	Alcohol Premises Licensing Amended Area	19.07.18
B	Red Line amended	31-07-18



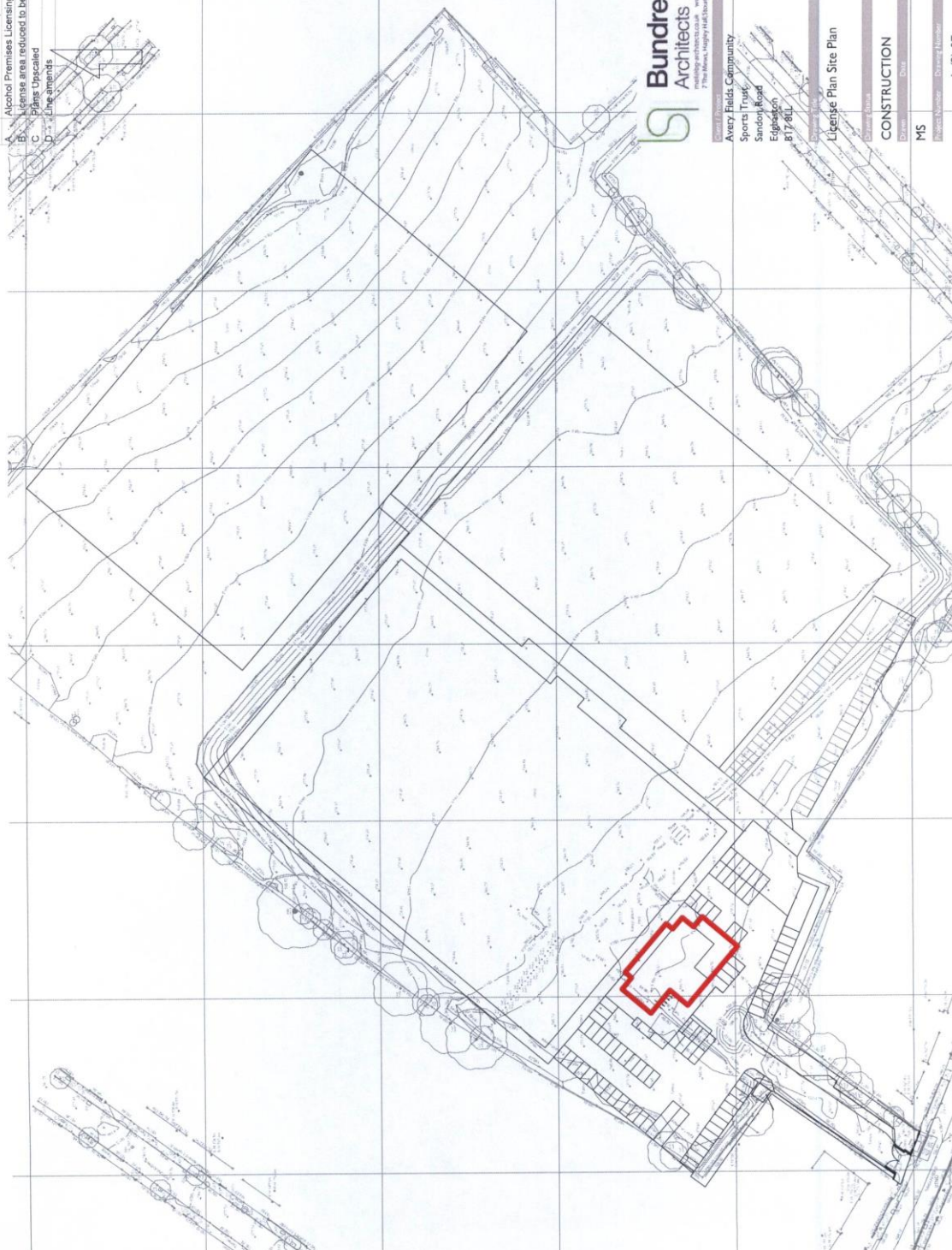
Bundred & Goode
Architects
7 The Grove, Higher Fildesbury, Leamington, CV32 2PP
01922 287799

Proposed Clubhouse and
Changing Facilities
Bournville RFC
Avery Fields
Sandon Road

License Plan First Floor

CONSTRUCTION	Scale	Sheet
MS	1 : 100	B
426	L3	B

Rev	Description	Date
A	Alcohol Premises Licensing	19.07.18
B	License area reduced to beneath balcony	27.07.18
C	Plans Upscaled	27.07.18
D	Lineaments	31.07.18



Bundred & Goode
Architects

Unit 1, The Mill, Mill Lane, Sandon, Leamington Spa, Warwickshire, CV36 4JF
Tel: 01922 887799

Avery Fields Community
Sports Trust
Sandon Road
Edgbaston
B17 8LL

License Plan Site Plan

CONSTRUCTION

MS	Drawn	Date	Scale @ A3
			1 : 1000
Work Number	Project Number	Revision	

L (2) 07 D

Avery Fields Sports & Events Ltd

Premises Licence and Site Operations

Training Manual

This Premise Licence Operation and Training Manual contains instructions and guidance covering various policies and procedures for Avery Fields Sports & Events Ltd. The intention of this manual is to:

- Assist in staff training and awareness.
- Act as an 'aide memoire' for all staff
- Reference valuable information quickly and easily
- Provide guidance to staff as part of their on-going training and development.

Licensing objectives and aims

The legislation provides a clear focus on the promotion of four statutory objectives, which must be addressed when licensing functions are undertaken.

The licensing objectives are:

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

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises.
- Giving the police and licensing authorities the powers they need to effectively manage and police the night time economy and take action against those premises that are causing problems.
- Recognising the important role which licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;

Staff Training and Operations Manual – Avery Fields_July 2018 V2.

The Training Regime

All staff must read the material provided and then satisfactorily pass the subsequent written test before being allowed to sell alcohol. It is important that this information is fully understood, should a staff member not satisfy the Designated Premises Supervisor (DPS) that they understand all of this then the DPS will not authorise that staff member.

You are at risk of prosecution for making unauthorised sales.

Refresher training must be undertaken at least on an annual basis, to sell alcohol and a number of refresher quizzes should take place to help in testing all staff and their knowledge.

Due Diligence Measures

- Staff to satisfactorily undertake questionnaire - all questions to be answered correctly.
- Training Statement, to be signed by staff member and countersigned by DPS.
- Staff Authorisation sheet, to be signed by staff member and countersigned by DPS.

The Premises Licence holder may also consider putting staff members forward to sit the APLH – {Award for Personal Licence Holders} exam if there is a likelihood of them becoming a DPS in the future. For further details please contact Rob Edge at Licence Leader Ltd.

All staff training must be recorded, as well as individual staff authorisations to sell alcohol. You should complete both the alcohol training statement sheet and the authorisation record sheet. All staff should be issued with their own confirmation of having received their initial training, whether under this regime or any alternative proprietary system, keeping the originals for your own records. All staff must be listed on the authority record and it should contain their signature as proof of their understanding of the training they have received and the responsibilities that they hold in the sale of alcohol. Subsequently as they are re-authorized to sell alcohol on a regular basis this should form part of the refresher training and they are indicating by signing the authority sheet again that they are still fully conversant with the rules relating to the sale of alcohol.

New staff members should then be added as they join, subsequently signing again on a regular basis thereafter, after each refresher. The alcohol training and authority sheets are designed for quick reference by any of the Responsible Authorities, which may visit the premises, and for you to identify and maintain all training requirements.

Premises licence – Licensable Activities

You can only carry out the sale of alcohol during the licensable hours of the premises licence.

The penalty for selling outside permitted hours is substantial - max £20,000 fine and/or six months' imprisonment plus a possible licence review.

Staff Authorisation

Under the terms of the grant of the premises licence: It is an offence for a person to serve alcohol to anybody unless you have been authorised to do so by a personal licence holder. It is an offence to sell alcohol to anybody from the premises without a premises licence and/or without a named Designated Premises Supervisor who is in possession of a personal licence.

Underage Sales

It is an offence to sell alcohol to anyone under the age of 18, or to anyone purchasing alcohol on behalf of someone under the age of 18. It is an offence for any person under the age of 18 to buy or attempt to buy alcohol. It is an offence for anybody under 18 to sell alcohol unless authorised to do so by a responsible person. Responsible persons are defined as:

- The holder of the premises licence
- The Designated Premises Supervisor (DPS) if any, for the Premises Licence
- An individual aged over 18 authorised (ideally in writing) to sell alcohol for consumption off the premises by either the Premises Licence Holder or the Designated Premises Supervisor.

It is an offence to allow alcohol to be served to someone under 18 if the staff member could have prevented it. When Challenge 25 scheme is adopted as a condition of the licence, then each customer wishing to purchase alcohol who is unknown to the cashier serving as a person who is over 18 years of age must be asked for satisfactory identification to prove their age. If they cannot or are not asked, then the staff member may be committing an offence should the condition wording be specific in this regard.

If a customer looks, under 25 they **Must** be challenged to prove that they are over 18 by producing photographic proof of age, which must include a photograph and state the full date of birth of the customer. The only forms of proof of age that we will accept are:

- A passport
- A photographic new style driving licence
- A PASS accredited Proof of Age ID card such as: The Citizen Card

Do not accept any other form of ID under any circumstances

Note:

The penalty for the member of staff selling alcohol to an under aged person ranges from a fixed penalty notice to a criminal conviction and a substantial fine. You must ensure that you are completely satisfied as to the customer's age **BEFORE** you make the sale.

Do not ask staff members or 'take someone's word' that, they are over 18 and always use CHALLENGE 25.

DUE DILIGENCE PROCEDURE

All staff are to be regularly briefed on the following topics:

- Test purchasing
- Age restricted products
- How to check proof of age
- Follow the guidelines
- What the law says
- Due diligence procedure

Protection of Children from Harm

To protect children from harm and comply with the law, the vast majority of retailers take under age sales very seriously. There can be major consequences for businesses, licensees and individual members of staff. Penalties for breaking the law include substantial fines, loss of licences, even imprisonment. Individual members of staff can be taken to court and prosecuted. They could also lose their job.

Trading Standards & Police are amongst the Responsible Authorities who are consulted on licence applications under the Licensing Act 2003. If a Premises Licence Holder and the staff are not following the guidelines outlined in this booklet then these matters may be raised during the licensing process. Any evidence of underage sales can also trigger a review which could lead to loss of the Licence.

Test purchasing

Trading Standards and the Police (sometimes together) check that the law is followed and can carry out test purchases of all age restricted products as part of their enforcement duties. The test purchases are made with volunteer young people who are to look their age.

These test purchases follow procedures supported by the government. They are allowed as evidence of underage sales. Following these guidelines and asking for proof of age and receiving appropriate proof (asking by itself is not a defence), should make sure that you don't make an illegal sale. Samples of 'proof of age' are shown on the photocards poster in the support material

Age restricted products – age restrictions

Alcohol Products	18
Cigarettes and tobacco products	18

By following the rules regarding age related products, it will help you show you are taking 'all reasonable precautions and exercising all due diligence'. This is legal-speak to say that you must have behaved in a way that can provide a defence in law if an illegal sale takes place. You must be able to show that you are doing all that you possibly can to make checks. This is what the courts would look at should an illegal sale take place.

How to check proof of age ?

If a customer who looks under 25 asks to buy an age restricted product, ask for one of the prescribed forms of proof of age and check it. If appropriate proof of age cannot be produced, you must refuse the sale and make an entry in the refusals register. You must only accept proof of age with date of birth and a photo. Remember to check that the photo matches the customer and that you can see their face clearly, including asking them to remove hoods and caps.

Proof of age cards need to carry a PASS hologram to show that they are part of an approved scheme and have been correctly issued. When you see a genuine PASS logo you can be more confident that it is valid proof of age, however there are good forgeries in circulation. Please see over page for checks.

• ***Always follow these checks***

1. Check that the PASS hologram is genuine and flush with the body of the card.
2. Check that the photo matches the person using it and that it is printed on the card, not just stuck on top of it. Ask them to remove helmets, hoods and sun glasses if you are not sure.
3. Check that the date of birth is properly printed on the card and that you have calculated the date of birth correctly.
4. Check that the card has not been tampered with in any way.
5. Check the person. If you are unsure about any of the above you have the right to, refuse the sale.

• ***Acceptable proof of age includes***

- 10-year passport
- Photo driving licence
- Citizen card
- "PASS " accredited proof of age card scheme

There are fake proof of age cards about so if you are unhappy with a card for any reason, refuse the sale. Items such as birth certificates and national insurance cards are not good enough. They carry no photo so can be passed between friends. Legally you have the right to refuse to sell to anyone, whether over or under age, if you are unhappy with the sale in any way.

REMEMBER – If in doubt Refuse the sale

- Don't try to judge ages. Only accept approved proof of age cards with photos and date of birth.
- Follow either the 'Challenge 25 Rule' and ask for proof of age from anyone who does not look over 25. Remember, if you guess wrong you could end up in court!
- Make sure notices (e.g. 'it is an offence to sell cigarettes to persons under 18') are on display.
- Know when dates of birth will be correct. Are they 18 yet? Just having today's date with the relevant year of birth will do!
- Fill in a 'refusals book' each time a refusal takes place. The DPS should check entries regularly to make sure all staff are using the register.
- Be careful should young people wearing school uniforms request to purchase age related products.

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- Do not sell to an adult you suspect of buying for under age young people. It is an offence for an adult to buy alcohol on behalf of someone under 18. This is called proxy selling.
- Support colleagues when they refuse sales. It can be difficult to say 'no.'

Alcohol

The age at which product alcohol can be legally served and bought is 18. Do not sell to over 18s who you think may be purchasing for under 18s. Both the owner of the business and the seller may commit a criminal offence if alcohol is sold to an under 18. If you are found guilty of selling alcohol to a person under 18 the premises licence to sell alcohol is at risk.

Under 18s cannot legally purchase alcohol. Always ask for proof of age before you serve and check the details. You can face prosecution and a criminal record or alternatively the police can issue on the spot fine of £90 if under age sales are made.

Checking Proof of age

When you ask somebody to produce proof of age in order to complete a purchase you must ensure that only an approved form of identification is accepted and that you check it correctly: Only accept -

- a valid passport
- a European style photo driving licence
- a PASS accredited cards such as a Citizen card

Always ask for the identification to be handed to you for authentication purposes

Check that

i. **Passport**

- not altered in any way
- the passport date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

ii. **European style driving licence**

- not altered in any way
- the licence date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

iii. **PASS cards**

- not altered in any way
- the card is completely flat with no raised edges around the photo or PASS logo - **reject the card if it is not flat**
- the PASS logo hologram 3D effect is working
- the card date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

iv. **The customer**

- matches the photograph on the card
- is not acting suspiciously

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- has not altered the card offered in any way

If you are in any doubt about the validity of the identification offered or the age of the customer even with the identification **you MUST refuse the sale and record the details in the refusals book**

What to watch out for regarding the ID of a person who is possibly under the influence of alcohol.

Signs of Intoxication

There are many signs that a person may display as they become intoxicated. As blood alcohol levels rise; differences can be noticed in coordination, appearance, speech and behaviour.

An intoxicated person may typically show some of the following signs:

i. Behaviour and Physical Signs

Becoming loud, boisterous and disorderly Dropping possessions, rambling conversation, becoming argumentative Fumbling and difficulty in picking up change Loss of train of thought e.g. forgot to pay for goods Annoying other customers and staff Swaying and staggering Difficulty in paying attention Becoming incoherent, slurring or making mistakes in speech Difficulty walking straight Not hearing or understanding what is being said Becoming physically violent Bumping into fixtures/other customers Drowsiness, dozing or sleeping while in premises becoming bad tempered or aggressive Glassy/bloodshot eyes and lack of focus Observe customers in difficulty lighting cigarettes whilst outside the premises using offensive language. Falling, Vomiting Exhibiting inappropriate sexual behaviour Flushed Face Dishevelled Clothing Person smells of alcohol

DUTY TO REFUSE SERVICE

It is your duty to refuse to serve under 18s and you must refuse to serve a person if they are or appear to be drunk.

How to refuse a sale

Sometimes refusing a sale will make the customer angry. Here are some tips to help you handle difficult refusals.

Ask for proof of age. This helps the situation, as it is not a direct refusal. It says that you will make the sale if they can produce valid proof of age. Only accept proof of age with a photo, and only if you are happy it is correct.

Refuse politely. If necessary, repeat your refusal clearly.

Keep calm. Do not get into an argument.

Explain briefly, why you cannot sell. Try saying

- 'I'm sorry; if I serve you I might be breaking the law.'
- 'We have a policy of 'no proof of age, no sale.'
- 'Our company policy is not to sell these products to young people.'

Show customers notices, posters and stickers that indicate you will not serve alcohol to under 18s or sell other age-restricted products.

Be positive in your refusal. Have a firm tone of voice, be confident and use direct eye contact. The law is on your side and you are doing the right thing.
Call your supervisor or manager for support if necessary.

Record details in your premises' refusal register.
Report incidents where you have felt threatened and/or intimidated.
Remember, ***you commit an offence*** if:

- You sell alcohol to a person who is under 18
- You allow alcohol to be sold to someone who is under 18 when you could have prevented that sale
- You sell alcohol to a person who is drunk
- You sell alcohol to a companion of a person who is drunk for the drunken person's consumption
- You allow alcohol to be sold to someone who is drunk when you could have prevented that sale

On the spot fixed penalty notices can be issued for serving alcohol to someone who is drunk or under age with prosecution also being a possibility.

If someone is drunk or disorderly they can be ejected from the premises and the Police must assist if requested to do so - if you think a customer should be ejected please ensure that you seek assistance from a colleague and follow your company procedures in order to deal with the incident properly and safely.

Keep calm. Don't get into an argument. **Explain briefly, why you cannot sell.** Try saying
• 'I'm sorry; if I serve you I might be breaking the law.' 'We have a policy of

'no proof of age, no sale.'

Staff Training

Avery Fields Sports & Events

Staff member [Full name]	
DPS or Personal Licence Holder delivering training [Full name]	

A new checklist will be used to record when;

- a new staff member is appointed
- changes to the premises licence or policies have occurred
- when carrying out refresher training for existing staff.

This is paramount to our business and to demonstrate that we are showing our best endeavours to comply with the requirements of our premises licence and the licensing objectives of 2003 Licensing Act.

1. What the law says about selling alcohol & the penalty staff and the business can face if an underage sale occurs?	
2. That the premises must hold a premises licence to sell alcohol. That they understand what the licence requires and the consequences for them and the business should any person sell alcohol in breach of any aspect of the alcohol licence.	
3. What the alcohol licence and conditions of the operating schedule require. EG: [i] ensuring alcohol is only sold during licensing hours, [ii] mandatory conditions as well as any conditions that are set out in the Annexes to the alcohol licence that are specific to our individual premises,	
4. Why selling alcohol underage and underage drinking is a problem for local communities, as well as the harm caused to underage drinkers themselves?	
5. What our policy is for challenging customers for proof of age?	
6. What our policy is, for the types of proof of age (ID) staff should accept?	
7. How to operate any 'till prompt' system installed?	

Staff Training and Operations Manual – Avery Fields_July 2018 V2.

8. The signs to look out for that the customer may be buying alcohol for others who are underage ('Proxy purchasing')?			
9. What staff should do if they suspect the person they are serving is a 'proxy purchaser'?			
10. Where and how to record any refusals to sell, challenges for proof of age, use of fake ID or any other incidents such as aggressive or abusive customers etc.?			
11. Why it is important to record incidents/refusals to sell?			
12. The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law?			
13. What the policy is for an under 18-year-old to get authorisation for sales involving alcohol?			
Full name of person trained	Signature	Position	dd/mm/yy
Full name(s) of trainer(s)			
Full name of Designated Premises Supervisor or personal licence holder, authorising person trained to sell alcohol. (NB Under 18's cannot be authorised to sell alcohol).			

**Avery Fields Sports & Events Ltd
Designated Premises Supervisor (DPS)
Authorisation for Sale/Supply**

I am the Designated Premises Supervisor (DPS - Dean Charles Lewis), and the holder of a Personal Licence and am the person in a position of authority at the premises.

I hereby authorise the following named personnel to sell and supply alcohol, to comply with the Licensing Act and the licence conditions contained within the premises licence.

This being either when I am present on the premises or in my absence. I can always be contactable on the following telephone number: _____

NAMES OF AUTHORISED PERSONS:

I, being a person named below am aware of and accept my responsibilities under the Licensing Act 2003 and will endeavour to comply in accordance with the licensing law and the licence conditions attached to the premises licence.

Name	Personal Licence Number (If Applicable)	Date	Signature

DESIGNATED PREMISES SUPERVISOR

Name:	Dean Charles Lewis
Personal Licence Number:	
Premises Licence Number:	
Date:	
Signature:	

Licence Leader Ltd
www.licence-leader.co.uk

Incident Log Book

Avery Fields Sports & Events Ltd

Please use a separate page in this log book for each incident.
Do not put yourself or staff at risk, call 999 or 101 when appropriate
Staff should write an entry whenever an incident occurs.

Licence Leader
Alcohol Licensing Services
www.licence-leader.co.uk

Incident Report Log			
Date of incident		Time of incident	
Location		Value of Losses/Damage	
Description of Incident			
Images available		Are still images available	
YES/NO		YES/NO	
Was it reported to West Midlands Police		YES/NO	
		Crime Number	
If reported to West Midlands Police, was it reported at the time of incident or afterwards:-			
Which staff member was involved with this incident			
What further action has been taken by Premises Licence Holder			
Final comments;			

REFUSALS LOG BOOK

Avery Fields Sports & Events Ltd

If a customer appears to be under 25 and fails to produce a valid ID photo, the sale should be **Refused** and recorded in the refusals log. Staff should write an entry whenever an age-related sale is Refused.

No ID - No Sale

Licence Leader Ltd
Alcohol Licensing Services
www.licence-leader.co.uk

As your licensing consultant, Licence Leader Ltd offers you:

- I will be available at reasonable request to carry out staff training, in accordance with the licensing Act 2003. Completing the necessary training records and issuing certificates to successful candidates.
- Liaise with the Responsible Authorities on any occasion that they show concerns for the day-to day management of the premises in respect of licensing. { This includes Police, Trading Standards, Planning Enforcements. Etc.}
- Additionally, I offer advice in relation to compliance and "Due Diligence" in line with the Section 182 Guidance and Licensing Act 2003.

New Premises Licences - Variations to a Licence

Change of Designated Premises Supervisor

Change of Premises Name

Representation at Licensing Sub-Committee Hearings

www.licence-leader.co.uk

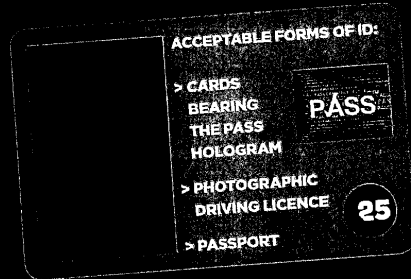
DATE	PRODUCT	TIME	NAME OF PERSON OR DESCRIPTION	OBSERVATIONS	STAFF MEMBER
01/02/2018	Pint of Beer	2000 Hrs	Male blond 5ft tall, approx. 17 years of age	Nervous and refused to show ID. Informed DPS	Gloria Smythe

www.licence-leader.co.uk

DATE	PRODUCT	TIME	NAME OF PERSON OR DESCRIPTION	OBSERVATIONS	STAFF MEMBER

www.licence-leader.co.uk

UNDER 25?



**IF YOU ARE LUCKY
ENOUGH TO LOOK UNDER
25 YOU WILL BE ASKED
TO PROVE THAT YOU ARE
AGED 18 OR OVER WHEN
YOU BUY ALCOHOL**

**IF YOU ARE UNDER 18
YOU ARE COMMITTING
AN OFFENCE IF YOU
ATTEMPT TO BUY
ALCOHOL**

SCOTTISH
BEER & PUB
ASSOCIATION

drinkaware.co.uk
for the facts about alcohol

WWW.CHALLENGE25.ORG

25

From: Rob Edge. Licence Leader Ltd
Sent: 30 August 2018 10:05
To: Licensing
Cc: bw licensing;
Subject: RE: Licensing Act 2003 - (Grant) Avery Fields Sports & Events Ltd, 79 Sandon Road, Edgbaston, Birmingham, B17 8DT

Dear All,

This is to confirm that we agree to the full content of the email below and are happy for these amendments to be made to the operating schedule of the premises licence.

Kind regards

Rob

Rob Edge
Licence Leader Ltd
Alcohol Premises Licensing Services

From: Abdool Rohomon
Sent: Thursday, August 30, 2018 8:24 AM
To: Licensing; Deano Walker
Cc: bw licensing
Subject: RE: Licensing Act 2003 - (Grant) Avery Fields Sports & Events Ltd, 79 Sandon Road, Edgbaston, Birmingham, B17 8DT

If the application is amended as per the below, including the conditions and amendment of plans then West Midlands Police accept this and will not be objecting to this application

regards

Abs Rohomon

PC 4075 Rohomon
BW Licensing
Police headquarters
Lloyd House

Follow us on Twitter - @brumcopslicensing

West Midlands Police

Vision statement - Serving our communities, protecting them from harm

From: Rob Edge. Licence Leader Ltd
Sent: Wednesday, August 29, 2018 3:36 PM
To: Licensing
Cc: bw_licensing
Subject: Avery Fields & Sports Events Ltd
Importance: High

Good afternoon all,

In relation to this application, I have discussed the current application and the operating schedule with West Midlands Police Licensing and we have agreed to amend the application as follows:

Add to conditions:

1. To amend the plans to remove the area of the corridor and cellar in the licensed plan
2. To add the following conditions to the operating schedule:
CCTV to be fitted to the specifications and recommendations of West Midlands Police (Birmingham Licensing department)
CCTV to be recording at all times premises is open for licensable activity
CCTV image to be held for a minimum of 31 days
CCTV any images held will be made immediately available on request and downloadable to any responsible authority investigating anything that would compromise the licensing objectives
3. To add additional CCTV to the community room, based on the requirements of the Police, { provided details are given to us by Friday 31st a.m. }
4. Risk Assessment for private events to be made available to any responsible authority on request

Remove from operating schedule:

1. To remove "Off sales" from the application for the sale of alcohol
2. Remove from operating schedule - "Events in the external areas shall be restricted to six per year"
3. Remove - West Midlands Police Licensing department and Environmental Protection are to be notified 28 days in advance in writing by email of all events for the outside area

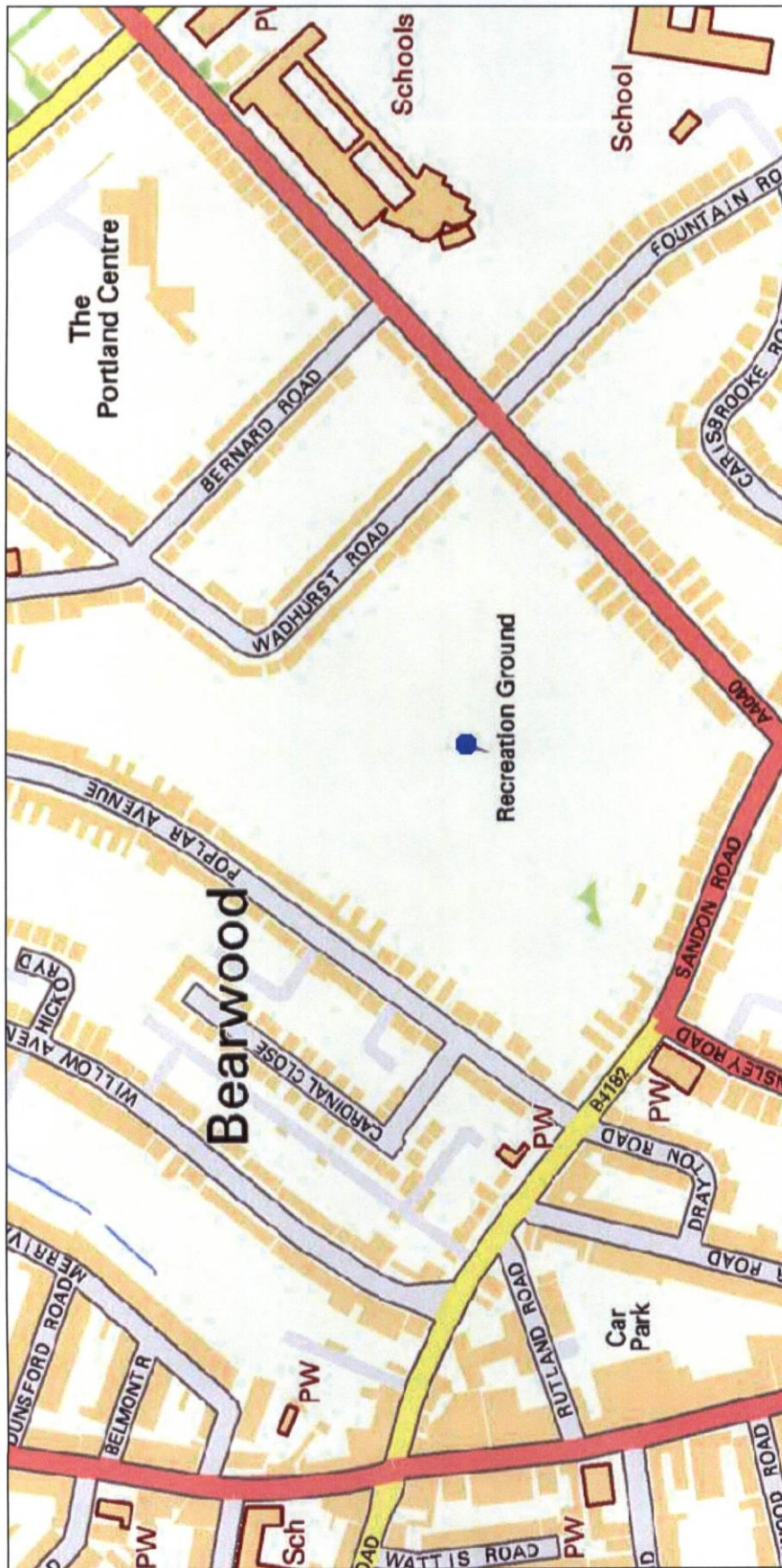
Abs, Please provide details for additional CCTV in community room by Friday 31st a.m. as contractors are soon to leave the site and we wish this work to be completed before final decorations take place.

Many thanks for your help in coming to a satisfactory conclusion on these matters.

Kind regards

Rob

**Rob Edge
Licence Leader Ltd
Alcohol Premises Licensing Services**



Map Notes

Map Created By:
Date of Map Creation: 31/08/2018



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Scale:
1:4,000



Map Notes

Map Created By:
Date of Map Creation: 31/08/2018



Scale:
1:2,500

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BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 26th September 2018
Subject:	Licensing Act 2003 Premises Licence – Transfer
Premises	Cloud Nine, 76 Gooch Street North, Birmingham, B5 6QU
Ward affected:	Bordesley & Highgate
Contact Officer	Bhapinder Nandhra, Senior Licensing Officer 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:
To consider an application to Transfer a Premises Licence.

2. Recommendation:
To consider and determine the Transfer Application.

3. Brief Summary of Report:
A transfer application was received on 16 th August 2018 in respect of Cloud Nine, 76 Gooch Street North, Birmingham, B5 6QU. An objection notice to this application has been received from West Midlands Police.

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>5. Relevant background/chronology of key events:</p> <p>An application to transfer a premises licence was received from Rahim Khan on 16th August 2018 in respect of Cloud Nine, 76 Gooch Street North, Birmingham, B5 6QU. Consent to transfer the licence was received from Mohammed Malik.</p> <p>As the application sought to have immediate effect since the time of the application, Rahim Khan has been responsible for the provision of licensable activities at the premises, pending the determination of the transfer application by this Sub Committee.</p> <p>In line with statutory requirements the application was served on West Midlands Police who have subsequently given an objection notice to the transfer application on the basis that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective under the Licensing Act 2003.</p> <p>The premises licence was subject to a closure order application submitted by West Midlands Police. The closure order was the subject of a separate report presented to Licensing Sub Committee A on the 8th June 2018 following which the Sub Committee resolved to revoke the premises licence.</p> <p>Rahim Khan's transfer application is attached, see Appendix 1.</p> <p>West Midlands Police Notice of objection is attached at Appendix 2.</p> <p>The current Premises Licence is attached at Appendix 3.</p> <p>Site location plans are attached 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.</p> <p>When holding a hearing to consider an objection notice under s44 (5) a licensing authority is confined to consideration of the crime prevention objective in the Licensing Act 2003. Members must therefore only consider matters that relate to the crime prevention objective.</p>
<p>6. List of background documents:</p> <p>Transfer Application form, Appendix 1 West Midlands Police Objection, Appendix 2 Current Premises Licence, Appendix 3 Site location Plans, Appendix 4</p>
<p>7. Options available</p> <p>To Grant the transfer application To Reject the transfer application</p>



Birmingham
Application to transfer premises licence
Licensing Act 2003

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

* required information

Section 1 of 7

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.

BCC
 REGULATION & ENFORCEMENT
 LICENSING SECTION
 DATE RECEIVED

16 AUG 2018

REF NO

INITIALS

Continued from previous page...

Address

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text" value="United Kingdom"/>

Agent Details

* First name	<input type="text" value="Louis"/>	
* Family name	<input type="text" value="Stelling"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	

☒ 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 private individual acting as an agent

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

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	<input type="text" value="09008239"/>
Business name	<input type="text" value="Coleridge Law Limited"/>
VAT number	<input type="text" value="256133320"/>
Legal status	<input type="text" value="Private Limited Company"/>
Your position in the business	<input type="text" value="Consultant"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Section 2 of 7

PREMISES DETAILS

I/we, as named in section 1, apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in section 2 below.

Premises Licence

* Premise licence number

Name Of Current Premises Licence Holder

* Name

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Building number or name	<input type="text" value="66-76"/>
Street	<input type="text" value="Gooch Street North"/>
District	<input type="text"/>
City or town	<input type="text" value="Birmingham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B5 6QU"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Please give a brief description of the premises

<input type="text" value="Shisha Lounge"/>
--

Continued from previous page...

Telephone number at the premises if any

Section 3 of 7

APPLICATION DETAILS

In what capacity are you applying for the premises licence to be transferred to you?

- ☒ An individual or individuals
- ☐ A limited company/limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

Please confirm the following:

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 7

INDIVIDUAL APPLICANT DETAILS

Applicant Name

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

☒ Yes

☐ No

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

First name

Rahim

Family name

Khan

Continued from previous page...

Is the applicant 18 years of age or older?

☐ Yes ☐ No

Applicant Postal Address

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

☒ Yes ☐ No

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

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

☒ Yes ☐ No

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

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality

Section 5 of 7

FURTHER INFORMATION

Are you the holder of the premises licence under an interim authority notice?

☐ Yes ☒ No

Do you wish the transfer to have immediate effect?

☒ Yes ☐ No

Have you attached the consent form signed by the existing premises licence holder?

☒ Yes ☐ No

Continued from previous page...

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)?

☒ Yes ☐ No

Have you attached the previous licence?

☐ Yes ☒ No

Please enter your reasons

Access to the premises is currently restricted

Section 6 of 7

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

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

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

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

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

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

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

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

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

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

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

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

Section 7 of 7

PAYMENT DETAILS

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

This formality requires a fixed fee of £23

Continued from previous page...

DECLARATION

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.

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED
LIABILITY PARTNERSHIP, BUT NOT COMPANIES OR LIMITED LIABILITY PARTNERSHIPS] I UNDERSTAND I AM NOT ENTITLED
* TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT
TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND
THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK. I HAVE INCLUDED
DOCUMENTS DEMONSTRATING MY ENTITLEMENT TO WORK IN THE UK (PLEASE SEE NOTES ON ENTITLEMENT TO WORK IN
SECTION 6).

☒ 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-3> to upload this file and continue with your application.

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

Consent of premises licence holder to transfer

I/we MOHAMMED MALIK
[full name of premises licence holder(s)]

the premises licence holder of premises licence number 4534
[insert premises licence number]

relating to

CLONO NINE, 76 LOUCH STREET NORTH, BIRMINGHAM, B5 8PU
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

4534
[insert premises licence number]

to

Rahim Jamil Khan
[full name of transferee]

signed _____

name
(please print) MOHAMMED MALIK

dated 15/08/2018

Appendix 2

From: Abdool Rohomon ·
Sent: 29 August 2018 15:06
To: Licensing
Cc: ·
Subject: Cloud Nine - premise licence transfer

Dear Licensing,

West Midlands Police have received the application for the transfer of the premise licence for Cloud Nine by a Mr Rahim Khan. Cloud Nine was subject to a closure order under the Anti-Social Behaviour Act following serious concerns around the operation of the premises. This included vulnerability concerns, the supply of psychoactive substances to minors, the venue being used for events that caused significant crime and disorder and anti-social behaviour and a blatant attitude towards the safety of people attending the venue (including closing the shutter when open to prevent responsible authority from accessing and breaching enforcement action taken by West Midlands Fire Service). Following the closure order being made the premise licence was reviewed and it was shown that the events had led to the significant undermining of the licensing objectives, which resulted in the licence being revoked.

West Midlands Police have serious concerns that the crime and disorder objective will or is likely to be breached should the transfer be allowed. There is no operating schedule required with such an application and so West Midlands Police are not able to determine if the threat that the premises posed has been addressed and that the licensing objectives will be promoted correctly. It should be noted that Mr Khan has submitted a fresh application which is being administered, and West Midlands Police feel this is the most appropriate course to take considering the history of the premises, so that the proper scrutiny of the operating schedule by all responsible authorities can be undertaken..

West Midlands Police therefore object to this application on the grounds as above and that it will likely lead to the crime and disorder objective being undermined

West Midlands Police therefore request a hearing

regards

Abs Rohomon

**PC 4075 Rohomon
BW Licensing
Police headquarters
Lloyd House**

Appendix 3

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

4534 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description

Cloud Nine
76 Gooch Street North

Post town:

Birmingham

Post Code:

B5 6QU

Telephone Number:

Not Specified

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

D	Boxing or Wrestling Entertainment
E	Live Music
F	Recorded Music
G	Performance of Dance
L	Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

Monday - Thursday	11:00	-	01:00	D ,E ,F ,G
	23:00	-	01:00	L
Friday - Sunday	11:00	-	02:00	D ,E ,F ,G
	23:00	-	02:00	L

The opening hours of the premises

Monday - Thursday	11:00	-	01:00
Friday - Sunday	11:00	-	02:00

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

N/A

BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Mohammed Malik	
Post town:	Post Code:
Telephone Number:	
Email	

Registered number of holder for example company number or charity number (where applicable) N/A

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol N/A N/A	
Post town: N/A	Post Code: N/A
Telephone Number: N/A	

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 N/A	Issuing Authority N/A

Dated 08/07/2016

SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

Annex 1 – Mandatory Conditions

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

Regulated entertainment shall take place indoors only.

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

The premises licence holder shall install and maintain a CCTV system inside and outside the premises. CCTV recordings shall be provided to the Police upon request.

A search policy will be implemented at the premises.

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

SIA registered door supervisors will be present at the premises on the weekends.

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

Notices shall be displayed at the premises requesting customers to have regard for neighbours.

The premises shall have a noise limiter and audio devices to ensure the level of amplified music is controlled.

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

Persons under the age 18 shall not be permitted to the premises.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Conditions as stated below under the appropriate objective set by Licensing Sub Committee B on Tuesday 21st June 2016:

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

Alcohol will not be permitted to be drunk on the premises, or brought onto the premises

If staff believe that customers have alcohol in their possession they will be asked to submit to a search. If they decline or are found to be in possession of alcohol they will be refused entry or asked to leave the premises.

A record of all searches will be kept at the premises and produced to Officers on request

A refusal of entry log will be kept at the premises and produced to Officers on request

Door supervisors will be on duty at the premises on Friday and Saturday nights between the hours of 22:00 and closing. Also at any times that the Premises holds a Special Event

Door Supervisors will wear High Visibility Jackets.

Door Supervisors will wear their SIA badge in a position where it can clearly be seen.

Door Supervisors will sign in and out of a register at the start and finish of each shift. The register must be kept on the premises and produced to Officers on request.

A Profile for each Door supervisor must be kept at the premises and be available for inspection by Officers on request. The profile must contain:

- A copy of the Door Supervisors SIA Badge
- Photographic ID (Passport or DVLA Licence)
- Proof of address dated within the last 6 months (Utility Bill or DVLA)
- Profiles must be kept at the premises for 6 months from the date of the Door Supervisors last shift.

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

No one under the age of 18 is permitted on the premises after 18:00 hours

Challenge 25 will be promoted at the premises. Staff will be trained in Challenge 25 and signage will be displayed.

Any person attempting to enter the premises, or make a purchase from the premises, will be asked to prove they are over 18 if they look under 25.

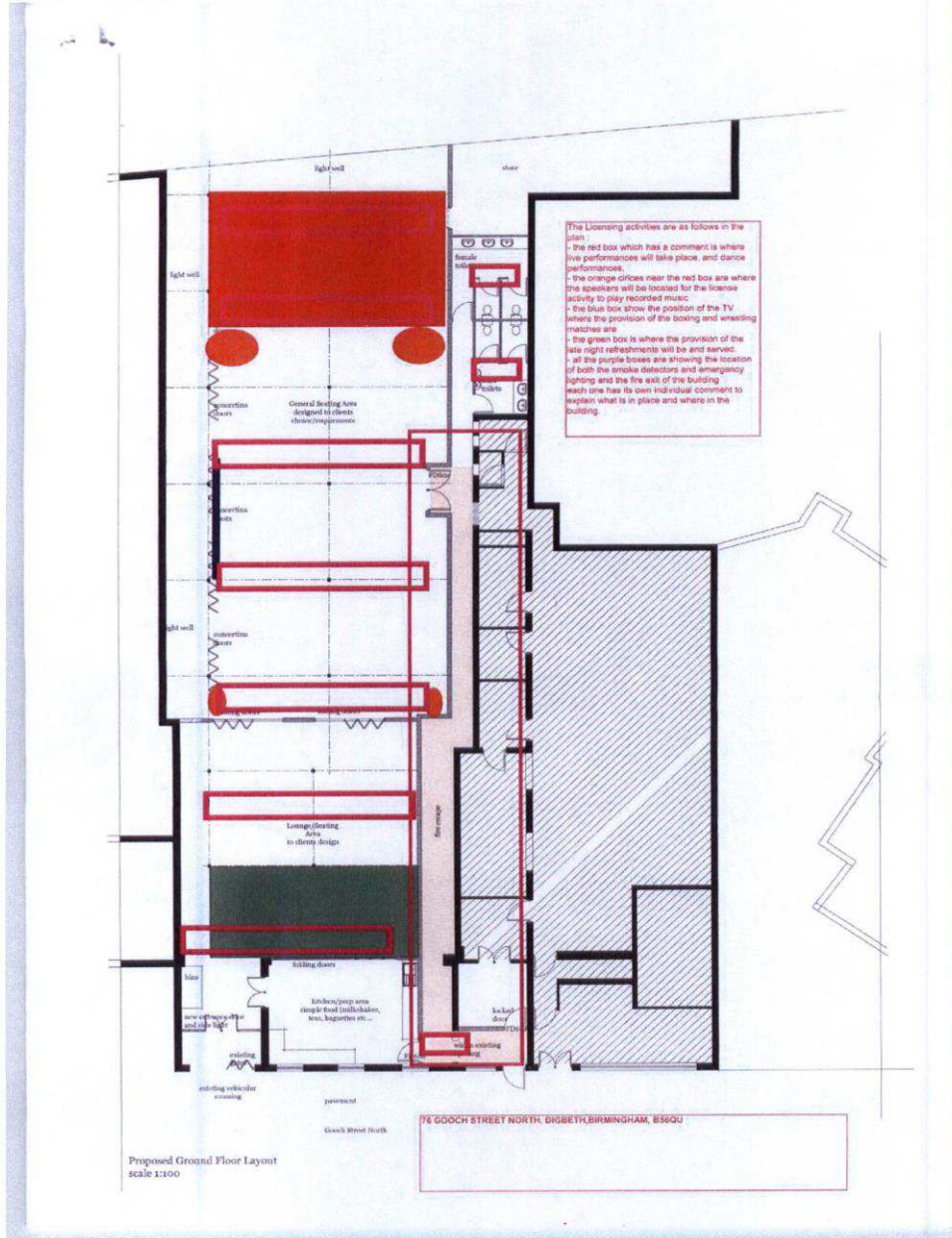
BIRMINGHAM CITY COUNCIL

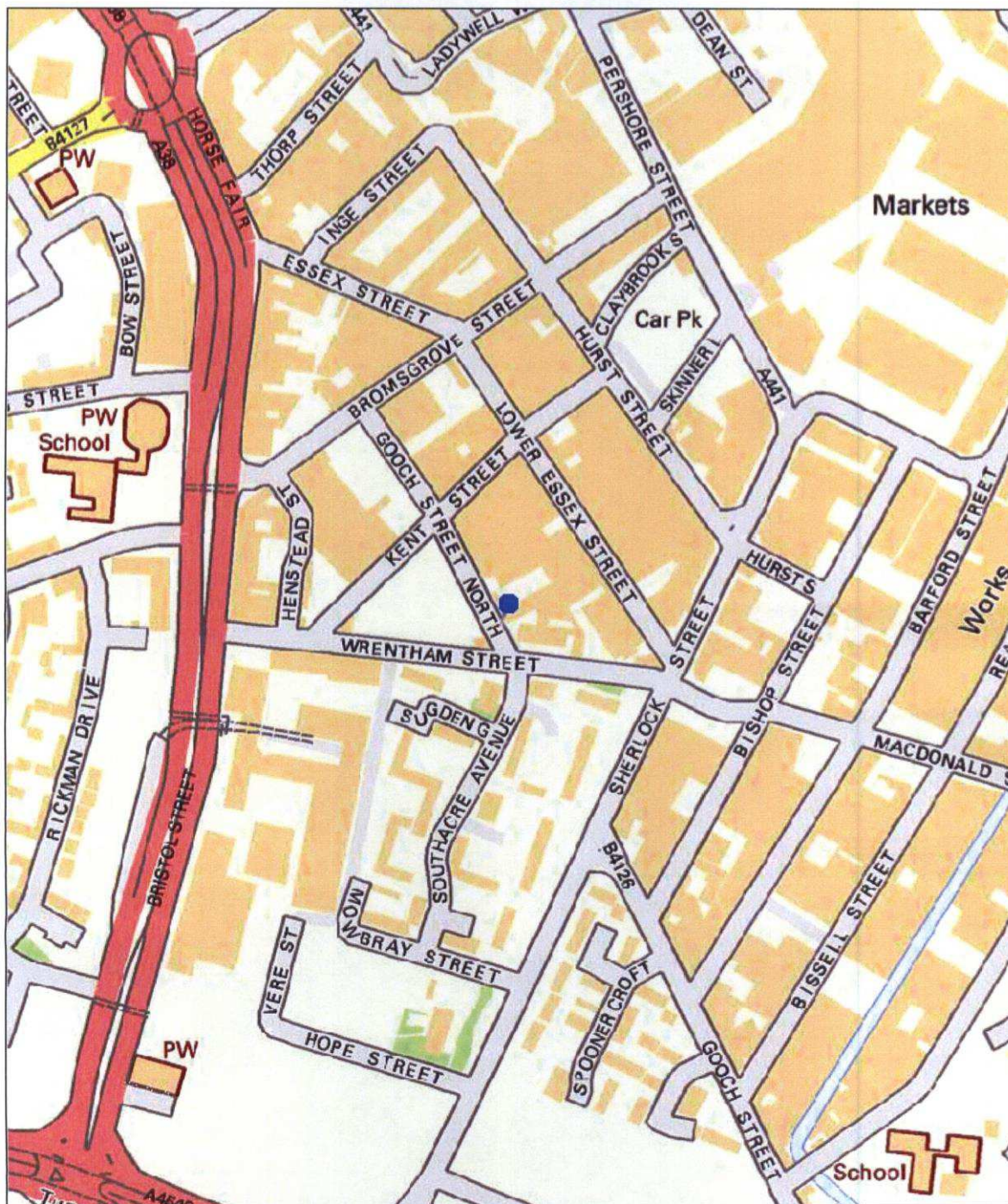
The only forms of Identification which will be accepted are Passport or DVLA Licence.

A record of all refusals will be kept in the refusals log.

The premises will have a working CCTV system consisting of a minimum of 20 cameras. The system will be recording at all times when the premises are open for business. Images must be made available to Officers on request.

Annex 4 – Plans





Birmingham City Council

Map Created By:

Date of Map Creation: 06/09/2018

Notes



Scale:
1:4,000

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Birmingham City Council Map Created By:

Notes

Date of Map Creation: 06/09/2018



Scale:
1:1,250

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