

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Monday 9th July 2018
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	New Inn, 74 Vivian Road, Harborne, Birmingham, B17 0DJ
Ward affected:	Harborne
Contact Officer:	Bhapinder 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 to vary the Premises Licence which seeks:

- To reduce the size of the licensed area internally so as to create a new wash up facility adjacent to the bar servery.
- The formation of a new garden servery point to the rear of the premises. The existing store is to be remodelled so as to create a garden service point for retail sale of alcohol which will be consumed by way of off sales within the beer garden.

The application is for a plan change only and there is no change to the licensable activities or hours.

2. Recommendation:

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

3. Brief Summary of Report:

Variation application received on 21st May 2018 in respect of New Inn, 74 Vivian Road, Harborne, Birmingham, B17 0DJ.

Representations have been received from Environmental Health as a responsible authority and from other persons.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

<p>5. Relevant background/chronology of key events:</p> <p>Marstons Plc applied on 21st May 2018 to vary the Premises Licence for New Inn, 74 Vivian Road, Harborne, Birmingham, B17 0DJ.</p> <p>A representation has been received from Environmental Health, as a responsible authority, which is attached at Appendix 1</p> <p>Representations have been received from other persons. See Appendices 2 - 8.</p> <p>The application is attached at Appendix 9.</p> <p>The current Premises Licence is attached at Appendix 10.</p> <p>Site Location Plans at Appendix 11.</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> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
<p>6. List of background documents:</p> <p>Copies of the representations as detailed in Appendices 1 - 8</p> <p>Application Form, Appendix 9</p> <p>Current Premises Licence, Appendix 10</p> <p>Site Location Plans, Appendix 11</p>
<p>7. Options available</p> <p>To grant the variation application</p> <p>To refuse the whole or part of the application</p> <p>To modify the conditions of the Licence</p>

Appendix 1

From:
Sent: 18 June 2018 17:01
To: Licensing
Cc:
Subject: FW: WK/009032585 - Representation - The New Inn
Attachments: New Inn.rtf

All,

Please find representation.

Regards,

Paul Samms
Environmental Protection Officer

Environmental Protection Unit
Environmental Health
Manor House
40 Moat Lane
Digbeth
Birmingham
B5 5BD

Environmental Health, Regulation & Enforcement, Birmingham City Council, PO BOX 15908, Birmingham, B2 2UD

Website: <http://www.birmingham.gov.uk/eh>
Facebook: <http://www.facebook.com/ehbham>
Twitter: <http://www.twitter.com/ehbham>
Flickr: <http://www.flickr.com/photos/envhbham>

"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

To:	Licensing Section,	Date: 18th June 2018
From:	Paul R Samms, Environmental Protection Officer Environmental Health, 40 Moat Lane, Birmingham, B5 5BD	
CC:		Ref:
Subject:	Application for Premises License – Licensing Act 2003 Address – The New Inn,	

I, Paul R Samms, as a representative of Environmental Health, formally raise a representation on the above application.

My representation concerns the likely effect of the grant of the licence (in it's current form) on the promotion of the licensing objectives of:

- a) the prevention of public nuisance.

The Premises (and its external areas) border residential units. Occupants of these residential units will be in very close proximity to noise sources.

The applicant wishes to utilise the external beer garden area more effectively by use of the new severing hatch. There are also plans to have a screen placed in the garden. The screen is to be used only during the World Cup season only and includes;

1. The playing of all football games (19th June – 17th July). All games with the exception of the England games will be silent.
2. The screening of films (the plans to be 6 cinema showings during the period).

This will involve an intensification of the use and so increase the likelihood of residents experiencing intrusive noise.

I am concerned that the grant of the licence in its present form would potentially result in noise nuisance (particularly during noise sensitive times) due to noise breakout from the sound patrons in the external areas.

Conditions and Suggested Hours

I believe that the above concerns can be dealt with by the use of appropriate conditions.

Conditions

1. Screens will only be used in the external areas initially from:
 - a. 19th June 2018 – 17th July 2018.
 - b. with prior written permission of Env. Health.
2. Patrons themselves will not be served at the beer garden servery.
3. The beer garden servery will be used exclusively by staff only.
4. The use of the servery shall cease at 9:30pm.
5. The beer garden will be cleared of all patrons by 10pm each night. Staff will ensure that patrons are escorted inside the building.
6. There will be no regulated entertainment in the beer garden at any time.

Appendix 2

From:
Sent: 10 June 2018 16:50
To: Licensing
Subject: application 106441

To whom it may concern

Re application 106441

I have strong objections to the application being granted.
These objections are on the grounds of
Prevention of Crime and Disorder
Prevention of Public Nuisance

There is loud noise, shouting and on occasions fights after 23.00hrs on a regular basis. The noise is intrusive and affects my quality of life. I am unable to open a window and often have to play music in my bedroom in order to block out the shouting and screaming from the garden. The noise frequently interferes with my sleep – either preventing me falling asleep or waking me up.

My quality of life and well being are negatively affected by these premises has been used as an outdoor drinking area. The current managers are particularly inconsiderate to the neighbours having loud music playing outside with no notice given to the residents in the area and appearing to have no concern for the local residents. I have come inside now as there is music being played by a DJ for over 2 hours. I am unable to enjoy being in my own garden as any day that is pleasant and warm, the pub is noisy and it is unpleasant for me. This is a residential area.

People park illegally (including on my own driveway) and cause obstructions to the safe movement of traffic and people. Including children at the school <100 m away. And people leave the pub shouting and fighting, and frequently urinate in the surrounding streets. I see this when I'm woken and stressed! It is not pleasant.

These problems will all be further exacerbated by the granting of this application and I urge you to consider the wellbeing and quality of life of the people who live near this pub equal to or ahead of the financial concerns of the corporation who own these premises.

From:
Sent: 11 June 2018 10:58
To: Licensing
Subject: Licence Application 106441 - Marstons / The New Inn Harborne
Attachments: 017_06951_PA.pdf

To Licensing Department,

I am writing to place my objection to the licence application **106441** – The New Inn Harborne.

My concern is that an outside bar will significantly increase the level of noise in the garden which even at this present time, before any revision, is already causing public nuisance to local residents.

Approval of this licence application will undermine at least three out of four licensing objectives, namely:

- 1) Prevention of Public Nuisance
- 2) Protecting children from harm
- 3) Prevention of Crime and Disorder

The fourth objective (public safety) potentially could be undermined if the position of the requested bar in the garden increases the likelihood and ability to remove alcohol away from the premises.

Concerning Public Nuisance – I refer you to section 6.10 of the attached conclusion of Marston's Planning application in 2017. It concludes that increase in food trade indoors (and one situated indoors) would lead to a decrease in noise levels. I wish to point out then that the reverse should be true – and based on my experience this year it is – that increase an increase in drinks trade will increase the level of noise and disturbance. An approval of Marton's licencing application here would be a contradiction to the Planning Officer's conclusion.

Since the point in time when The New Inn returned to being operated by Marston's last year and particularly throughout this spring, there has been increasing levels of nuisance that residents in Vivian Road have experienced. The proposed outdoor bar increases the risks of being able to uphold all four licencing objectives. As evidence of this, the recent experiences cover but are not limited to the following:

1. Excessive noise from the garden – including chanting / screaming (all Friday / Saturday / Sundays but specifically 5/6/7th May, June 2nd, June 3rd and June 10th)
2. Loud Music (10th June)
3. Late drinking and presence in garden beyond licensed opening hours (frequently and last occasion 2nd / 3rd June)
4. Fighting (other residents objections may well indicate dates when Police called)
5. Urinating on residents houses (April)
6. Glasses broken in street and littered in neighbouring property along Vivian and Greenfield Road (this is something an outside bar will exacerbate causing risk to public safety and harm to children – my child has fallen on broken glass)
7. Flood lights left on and directed at neighbouring houses (more lighting required to facilitate the outdoor bar?)

Creating an 'outdoor bar' exacerbates the above issues. It is not a control and instead it will directly increase the volume and severity of the above outcomes. There is a likelihood even more glasses removed from the premises via the garden (risking child harm), more alcohol consumed to excessively intoxicated customers, more noise at an unreasonably late hour that is not contained via any means. No management controls appear to be applied to mitigate the above areas of public nuisance that undermine protecting children from harm (it is very close to St Mary's Primary school), public safety and prevention of crime and disorder.

The location of the bar is facing directly outwards towards residents housing (Apartments) and is situated in any area of the garden where noise from crowds of customers gathered at the proposed bar will directed to the rear of my property. I have a garden which has limited use due to noise and I have 2 out of 3 bedroom (one of which my child sleeps) at the rear of my property.

On many occasions the noise has been so loud my son, who is 5 years old, has been unable to sleep and risks impacting his school education. On Sunday 3rd June for example, customers were still in the garden shouting at 11.30pm. Saturday 2nd June – customers were still present at 2am in the morning, also May bank holiday weekend (5th - 7th) was intolerable. My child's health, wellbeing and education should not be sacrificed.

Local residents should not have to suffer this nuisance. Neither should users of Vivian Road, namely children and parents of St Mary's Primary school in terms of public safety. The seating capacity of the garden, also referenced in the attached, has gone from a capacity of 24 to 200 people. An outdoor bar would result in 200 people continuously contributing to the areas of public nuisance and harm pointed out above. The situation will become further out of control.

Attempts have been made to respectfully ask management to address issues and complaints made, however results have not improved.

I hope the Licensing Department recognise the level and severity of risk posed. The area is densely populated and hosts a primary school – appropriate levels of control should be in place to respect this. The pub already has the provision of two bars on its premises – this should be enough to service its customers – why does it require three?

Like other residents have done so, I will also be making a complaint to Environmental Health.

Kind Regards,

J Vivian Road
Harborne
B17 0DJ

Delegated Date:	20/11/2017	Application Number:	
Accepted:	09/08/2017	Application Type:	Full Planning
Target Date:	04/10/2017		
Ward:	Harborne		

74 Vivian Road, New Inn, Harborne, Birmingham, B17 0DJ

Erection of single storey extensions

Applicant: Marstons Inns and Taverns
c/o Agent
Agent:

Recommendation
Refuse

1. **Proposal**

- 1.1. The application is for a western side extension, a smaller eastern side extension and new front wall (Vivian Road) to the New Inn Public House in Harborne together with an increase in the patio area.
- 1.2. The proposed L shaped western extension would replace an existing glazed extension and would wrap around the lounge area. It would be flat roofed and measure 6.4m to the Vivian Road elevation x 15.1m deep and 7.6m at the rear and 3.4m high. The roof would have two glazed pyramidal lanterns of 2.5m x 2.5m x 1m high. The Vivian road elevation would have two timber framed sash windows. The remaining walls would be full height, full width, aluminium framed, bi-fold doors. The front wall (Vivian Road elevation) would be extended south-westwards to an existing garden structure to enclose the rear area. This proposed 2.5m high wall would be pierced by a 1.35m wide x 2.1m high three centred archway with a two course brick arch above and have a blue brick coping.
- 1.3. The smaller eastern extension would increase the capacity of the ladies toilets by 2 cubicles. This extension would be within an enclosed delivery yard area off Greenfield Road and would measure 1m x 4.1m x 4.5m to ridge (to match existing).
- 1.4. The extension to the patio area would be L shaped and extend between 7m and 9.2m to the rear of the existing patio area and be 13.5m wide.
- 1.5. The south-western extension and extended patio would occupy part of a disused bowling green to the rear of the building; the bowling group having left the site in 2013. The proposed development would reduce the area once used as a bowling green from the entirety of the rear area at 620m², to 497m², a 19.8% reduction, and reduce the maximum length playable from 32m, to 23m.

2. Site & Surroundings

- 2.1. The site lies within the northern extent of the Greenfield Road conservation area.
- 2.2. The surrounding area is largely residential with a mix of traditional terraced houses and more modern low rise flats, with the commercial local centre and high street close by to the west.

3. Planning History

- 3.1. 10/05/2013 - 2013/01487/PA - Extension of public house beer garden with erection of shelter and linking timber canopy to side, extension of club house to create small function room and loss of part of bowling green – Withdrawn

4. Consultation/PP Responses

- 4.1. Local Residents, Community / Residents Groups and Local Councillors were consulted. Press Notice and Site Notice. Cllr McKay objection – loss of bowling green. Eleven objections, including from the Harborne Society, on the following grounds;
 - Loss of Bowling Green
 - Size of the extension, decreasing gap between pub buildings and adjoining house, Overdevelopment of site
 - Out of character for the Conservation Area.
 - Use of side gate for deliveries
 - No need for increased food and drink outlets given the variety of offerings already in Harborne
 - Noise. Area is predominantly residential, pub has already expanded its business significantly to the detriment of the residents. Has dramatically changed the character and footfall of the pub - was outdoor seating for 24 people now for over 200, hugely impacting on the noise, parking, and quality of life of local residents. No community consultation by the pub operators which shows a lack of concern towards other local properties and the residents and is a drive towards increased potential commercial opportunity and brewery profit.
 - Already parking problems, will lead to increase in parking and traffic
 - Impact on roadside tree.
- 4.2. Transportation Development – No objection
- 4.3. Regulatory Services – Objection – increased risk of noise from enlarged dining area due to full width opening doors.
- 4.4. Leisure Services – Objection – loss of bowling green, would seek £74,000 compensation for loss if approved.

5. Policy Context

- 5.1. National Policy
 - National Planning Policy Framework
 - Planning (Listed Buildings and Conservation Areas) Act 1990

Local Policy

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Greenfield Road Conservation Area

6. Planning Considerations

- 6.1. The main planning considerations would be the principle of development and impacts on the Conservation Area, loss of an historic bowling green, the impacts on residential amenity and the impacts on parking and highway safety.

Principle of development and impacts on the Conservation Area.

- 6.2. The Planning (Listed Buildings and Conservation) Act 1990 [The 1990 Act] includes the statutory instruments to guide the process of planning applications affecting listed buildings and conservation areas. Section 72, of the Act, states that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." These requirements have been carried into the Birmingham Development Plan through Policy TP12
- 6.3. The larger of the proposed extensions would be to the west side of the existing pub building and be subservient to the existing building; I note that the original building has been considerably extended over time most notably to the rear with an extensive kitchen wing. This proposed extension, while more modest, would have an impact on the Vivian Road frontage. Whilst the principle of the extension to the existing use / building can be considered sustainable development and supporting the growth of the business this benefit must be weighed against any adverse impacts (Para 14 NPPF). At the request of our Conservation Officer the proposed extension has been modified from one with a fully glazed frontage to one with a more sympathetic front elevation which would be in keeping with the front elevation of the main building, with a garden wall to the side which would mask the bulk of the extension from Vivian Road. I consider that this would reduce the impact of the proposal on the conservation area to an acceptable level. The smaller eastern extension would be within an enclosed yard area and would not impact on the wider area.

Loss of bowling green

- 6.4. The proposed larger western extension and enlarged patio area would be built over part of a bowling green previously used by a local club.
- 6.5. Policy TP11 of the BDP states that sports and physical activity facilities will be protected from development unless they can be demonstrated as surplus to requirements (in line with paragraph 74 of the NPPF). The NPPF in paragraph 28 seeks to retain local services such as sports venues and guard against the loss of such services (para 70). The existing area would have accommodated two rinks at the minimum width of 4.3m wide by between 31m and 40m, as set out by the World Bowls Association and was used for this purpose for a number of years.
- 6.6. The applicant has supplied a supporting statement on bowling provision in the city identifying 20 sites of which eight are to the south of the city including The Bell 600m

to the south west on Old Church Road. No further analysis has been provided to indicate any capacity for new members at any of these clubs or any justification for the loss of the bowling green, other than the desire to extend the food trade at the pub. I note the fact that the New Inn Bowling Club are advertising for members (on the Weoley Castle Working Men's Club website) however this does not evidence that an adequate supply of bowling greens exists, despite the loss of the space at the New Inn in 2013, and that this bowling green is therefore surplus. I note that my colleagues in Leisure Services would require compensation of £74,000 for the loss / re-provision of a bowling green and whilst the existing area is not full sized, if it were to be replaced elsewhere it would need to be replaced by a full sized green with a useable playing surface and ancillary facilities. The applicant states that such a sum would not be forthcoming as it would render the proposed extension unviable. This would appear to be regardless of any prospect of increased turnover which could over time address the sum required for the permanent loss of the use of the entire bowling green (by development on part), and/or be supported by the wider pub-chain business.

- 6.7. I note that the bowling green is currently in use as a beer garden and the once well-kept lawn is in need of attention. The current application seeks to extend the food trade of the business with supporting statements citing the low wet trade turnover making the current business unviable. The applicants cite the surrender of the lease by the previous tenant as evidence of this (although I consider this could have been surrendered for a number of reasons). The supporting statement goes on to state that Marston's are reviewing the future of the pub and if trade does not improve the potential for closure is being considered. Understanding that a refusal could jeopardise the viability of the business, and therefore the loss of a community/leisure facility, I am nevertheless satisfied that this risk does not offset or negate the requirements of our policy TP11 or Paragraph 74 of the NPPF.
- 6.8. I note a number of objections to the proposal on the grounds of the loss of the bowling green to development, showing a strong local opposition to its loss. Marston's state unequivocally that there is no intention to reinstate or reopen the area as a bowling green. Whilst the cooperation of the owner / licensee would be required to reinstate the bowling green, this does not negate the permanent loss of use of this asset due to construction. Whilst the green was not delineated by the classic arrangements of ditches and banks / hedging, the photographs taken by our planning officer for the earlier withdrawn application (2013/01487/PA), show protective edge boarding around the entire perimeter of the site. This clearly demonstrates that the entire rear area was once used by the bowling club as an active playing green.
- 6.9. The impact on the open space, from the proposed development, would be a 19.8% reduction in the playable area of the bowling green and the reduction in the playable length from 32m to 20m would render the area completely unusable as a bowling green. As no assessment of need has been provided and there are no proposals to re-supply the provision, or provide compensation, the loss of the bowling green would be contrary to Paragraph 74 of the NPPF and policy TP11 of the BDP.

Impact on residential amenity.

- 6.10. I note a number of objections on the grounds of noise and disturbance and I have some sympathy for local concerns. I note that while the intention is to increase trade, the area would be used as a restaurant rather than a bar area. The Public House is a well-established use in the area and whilst there will be some increase in patronage the emphasis on food trade rather than drinks trade would tend to reduce

the potential impacts from noise and disturbance. I note the concerns of our colleagues in Regulatory Services regarding the potential for increased noise levels. However, given the fact that these concerns could have been addressed through changes to the design of the proposed extension, by more traditional fixed glazing, were the principle of the development not in doubt; then I do not consider this to be a strong enough reason for refusal. These matters could be dealt with by a new application, or amendments or conditions if the scheme is appealed.

Impact on Parking and Highway Safety

- 6.11. I note concerns regarding the potential for an increase in parking problems in the area, together with comments of inconsiderate parking and dangerous driving. The area has a number of pay and display car parks within walking distance and a number of bus routes service the high street a short walk away together with unrestricted parking in surrounding streets. My colleagues in Transportation Development consider that there would be little change in demand for parking due to the proposals and whilst the inconsiderate parking and potentially dangerous driving is a concern it cannot be a determining factor in the current application.

7. Conclusion

- 7.1. The proposed extensions to the building and patio area would, in the case of the western-most extension, be built on part of an historic bowling green thereby removing its utility and preventing its use. As no evidence has been provided to demonstrate that the bowling green is surplus due to an oversupply or lack of demand in the area or that any alternate / replacement provision is proposed, the proposal does not meet the requirements of the BDP or NPPF in the loss of sporting / leisure facilities. This loss and conflict with policy is not outweighed by the submissions put forward concerning trade and pub offer. I have no objection with respect to parking, local amenity and Conservation Area character.

8. Recommendation

- 8.1. Refuse

Reason for Refusal

-
- 1 The proposed development would result in the loss of a sports / leisure facility for which an assessment of need has not been submitted showing it to be surplus nor replacement provided (or an offer of compensation). As such the proposed development would be contrary to policy TP11 of the Birmingham Development Plan (2017) and paragraphs 28, 70 and 74 of the National Planning Policy Framework.
-

Case Officer: John Richardson

Appendix 4

From:
Sent: 11 June 2018 18:36
To: Licensing
Subject: Reference: 106441

Hi

I live at Vivian Road and I oppose the licensing application of the New Inn Pub on the following grounds:

1. Prevention of Crime and Disorder: There is already frequent disorder occurring at closing time and shouting and screaming can be heard and drunken cries. This happens a couple of times each month.

I would not like the new license to be granted since the above criteria would worsen and ruin the residential harmony of the area. It is already hard to get to sleep on many nights on the weekend.

Regards

Vivian Road
B17 0DN

Appendix 5

From:
Sent: 16 June 2018 07:25
To: Pollution Team
Cc: Licensing
Subject: Re: Objection to Licensing Application #106441

Hi,

I'm writing a follow up complaint about the New Inn in Harborne. Last night at 1.24am I was woken up by people shouting in the beer garden and I looked out of the window and could see people still drinking inside. The noise finally settled down just after 2am. Please can you tell me what licence the pub has and what time they are supposed to close, and what strategy is being taken by the council to deal with this noise and distribution.

I am yet to receive a response from the pollution team, but I would appreciate some contact from the council as the problem is becoming a real annoyance.

Many thanks,

On 12 Jun 2018, at 13:06, -----> wrote:

Hi,

I sent the below email to the licensing team re: the New Inn pub in Harborne, and was told to forward it to you regarding the complaint about the current issues with noise - please see below.

Please can you tell me if you are aware of these issues, if anything is being done, and what the strategy is to reduce the noise pollution.

Many thanks,

From:
Sent: 12 June 2018 08:50
To: licensing@birmingham.gov.uk
Subject: Objection to Licensing Application #106441

Hi,

I am emailing regarding Licensing Application #106441, which I understand is the application to change the internal layout of The New Inn Pub in Harborne.

Over the last few months there has been a significant increase in the amount of noise coming from the pub. This noise pollution is at its worse on Friday and Saturday nights, but it is not limited to the weekends, and it is often also noisy on weeknights too. There is noise of bottle bins being emptied after pub closing hours, and regularly groups shouting and screaming in the outside garden area. There have also been a few arguments between

couples, who stand outside the pub and scream and shout at each other, either when the pub is still serving, or shortly after closing. On one occasion I have even called the police, as a group had seemed to congregate outside the pub presumably after closing, but hadn't been encouraged to leave, and continued to laugh, shout and scream into the early hours. It seems that the issues have increased since the management of the pub has changed, and there have been many nights when I have either been woken up or have not been able to sleep because of the noise. Previously customers were moved inside earlier in the evening, bottle bins were emptied during the day times, and there was absolutely no disruption from the pub (I have lived in the house for over 7 years and the last few months has been worse than all the previous years combined).

My concern is that the layout changes to the pub will undermine the Prevention of Public Nuisance Objective, and so I object to the application. I believe that bar server at the rear of the premises will significantly increase the noise levels in outdoor areas, and will increase the disruption.

I look forward to hearing your thoughts on this. Please can you also let me know if my complaint regarding the current issues need to be sent to any other department besides yourselves (e.g. Environmental Health and Licensing Enforcement).

Many thanks,

Satiender Dhadwal

From:
Sent: 13 June 2018 10:40
To: Licensing
Subject: Re: Reference The New Inn Harborne licence application 106441

To Whom It May Concern

I am writing to object to the above mentioned licence application on the grounds of Public Nuisance. Firstly the variation application is retrospective as the bar servery is already in operation. Secondly it has had a significant impact on noise in the garden, particularly late at night. (This is in addition to other nuisances such as the garden floodlights being left on all night during the winter months particularly.) The new servery is directly beneath my bedroom window. Under previous management customers were moved inside after 22.00 which I assume was a condition of the licence issued to the previous operators before the pub was sold on. The new owners are not observing this protocol. This happens at other establishments in Harborne where the premises is close to residential properties and works as an acceptable compromise. I would urge the licencing authority to attach conditions to the business that the window is not operated after 21.00 and that the garden should be cleared of customers by 22.00 as it was previously.

Greenfield Road
Harborne.

Appendix 7

From:
Sent: 13 June 2018 21:28
To: Licensing
Subject: RE: New Inn Pub Licensing application

I should like to record my objection to the proposed plan to allow the sale of drinks from the garden of the New Inn pub on the grounds that it will create a public nuisance. The additional bar space will increase the number of customers particularly in the garden which is already extremely noisy and unpleasant for neighbours. This noise is particularly unacceptable at night when it is clearly audible with the windows closed. I am frequently woken by noise into the early hours, and it is impossible to have open windows.

The New Inn pub is situated in a dense residential area surrounded by homes. It has undergone significant changes in the last 5 – 6 years to the detriment of the neighbourhood. It has changed from a small pub with outdoor seating for ~20 and a bowling green to a pub with no bowling green and outdoor seating for 2-300 people. This has made it extremely noisy whenever the weather is good, both in the garden and as people leave the pub at closing time. It has already expanded beyond what is reasonable for the neighbourhood. The addition of an outdoor bar will compound this noise nuisance.

The pub does not currently have a formal requirement to close the outdoor space by 10 pm and so the noise does not abate at night.

Vivian Road

Appendix 8

From: >
Sent: 18 June 2018 19:27
To: Licensing
Subject: Concerns regarding licensing application 106441

Dear Sir/Madame,

We've been passed details of the application number 106441 for changes to the New Inn public house in Harborne and like many local residences we're concerned about recent changes but also further concerned that this application if approved may worsen the situation more.

I know in the past that the New Inn used to have a curfew for the garden at the rear in the evening, asking patrons to kindly move into the pub in the later evening to avoid disturbing local residents. We have noticed recently that this policy seems to no longer be in place and subsequently there has been a significant increase in noise late at night. We had drunk people waiting for taxi around the block shouting and scream around mid-night.

As a resident of the Harborne Central complex opposite the New Inn and in particular the garden I'm concerned that with no curfew in place and the addition of an outdoor service there will only be increased noise and disturbance to local residence.

In addition to this we have noticed that they have erected a large outdoor LED screen for the world cup football. While we all enjoy the game having a large crowd in the beer garden making lots of noise isn't helping the current concerns. I would imagine that this kind of thing would require some kind of considered notification to local residence that will be affected, is this not the case? Sadly there seems to be little regard paid to local residence under the new management.

We've noticed also more late night drunken behavior and would suggest that perhaps in addition to a curfew on the garden some kind of signage to please respect local residents needs to be put in place. We've had more incidences of drunken people waiting for taxis around the gates to our residence shouting and screaming around midnight. Whilst we understand the behavior of patrons is difficult to control when they've left the premises, we feel some responsibility must fall on the license holder.

We'd like very much for our concerns to the planned changes to be taken into consideration when reviewing the license changes to the New Inn Harborne.

Kind regards,

Residence @

Greenfield Rd
Harborne
B17 0ES

106441

Application to vary a premises licence under the Licensing Act 2003

Reps end 18/6/18

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.

We Marston's PLC being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number

2413/5

Part 1 – Premises details

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

New Inn, 74 Vivian Road, Harborne

Post town
BirminghamPost code
B17 0DJ

Telephone number of premises (if any)

Non-domestic rateable value of premises

Part 2 – Applicant Details

Daytime contact telephone number

Email address
(optional)Current postal
address if
different from
premises address

Post Town

Postcode

BCC	
REGULATION & ENFORCEMENT	
LICENSING SECTION	
DATE RECEIVED	
21 MAY 2018	
REF NO	£315
INITIALS	031526

Part 3 – Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick ✓ yes

☒

If not do you want the variation to take effect from

Day Month Year

--	--	--	--	--	--	--	--

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

N/A

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see Guidance Note 1)

yes ☐ no ☒

Please describe briefly the nature of the proposed variation (please read guidance note 2)

The New Inn is to have the benefit of a refurbishment. The majority of the works will be cosmetic in relation to redecoration and reupholstery however two items of work are to be undertaken which will impact upon the licensed area.

Those changes are identified on drawing P0518/6934/0.1 which is attached and as follows:-

1. To the left of the premises a reduction in the licensed area so as to form new wash up facility adjacent to the bar servery. In connection with this there will be some minor cosmetic works to the bar servery layout itself.
2. To the rear of the property and facing into the garden area, formation of garden servery point. The existing store is to be remodelled so as to create a garden service point for retail sale of alcohol which will be consumed by way of off sales within the garden itself.

The garden servery point will be secured by way of shutters when not used. The storage area has high levels of security having been used for the storage of food and stock historically.

A review of the conditions endorsed upon the Licence has been undertaken and it is proposed that no amendment is required to promote the four licensing objectives.

In that there is no change to the hours proposed by the application or conditions, boxes A – H, late night refreshment and sale by retail of alcohol have not been completed.

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick ✓ yes

Provision of regulated entertainment (Please see guidance note 3)

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

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

Sale by retail 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 8)			Will the performance of a play take place indoors or outdoors or both – please tick {Y}. (please read guidance note 4).	Indoors	
				Outdoors	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			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 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick {Y}. (please read guidance note 4).	Indoors	✓
				Outdoors	
Day	Start	Finish			
Mon	As existing	As existing	Please give further details here (please read guidance note 5)		
Tue	As existing	As existing			
Wed	As existing	As existing	State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur	As existing	As existing			
Fri	As existing	As existing	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 7)		
Sat	As existing	As existing			
Sun	As existing	As existing			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon	As existing	As existing	
Tue	As existing	As existing	State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed	As existing	As existing	
Thur	As existing	As existing	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 (please read guidance note 7)
Fri	As existing	As existing	
Sat	As existing	As existing	
Sun	As existing	As existing	

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (Y) (please read guidance note 4).	
Day	Start	Finish	Indoors	
Mon			Outdoors	
			Both	
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	As existing	As existing			
Tue	As existing	As existing	State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed	As existing	As existing	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 7)		
Thur	As existing	As existing			
Fri	As existing	As existing			
Sat	As existing	As existing			
Sun	As existing	As existing			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	As existing	As existing			
Tue	As existing	As existing	State any seasonal variations for playing recorded music (please read guidance note 6)		
Wed	As existing	As existing	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur	As existing	As existing			
Fri	As existing	As existing			
Sat	As existing	As existing			
Sun	As existing	As existing			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).		Indoors	✓
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 5)			
Mon	As existing	As existing				
Tue	As existing	As existing				
Wed	As existing	As existing	State any seasonal variations for the performance of dance (please read guidance note 6)			
Thur	As existing	As existing				
Fri	As existing	As existing	Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)			
Sat	As existing	As existing				
Sun	As existing	As existing				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			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 {Y} (please read guidance note 4).		Indoors
					Outdoors
Mon					Both
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of 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 7)		
Sun					

Late night refreshment			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y}	Indoors	✓
Standard days and timings (please read guidance note 8)			(please read guidance note 4).	Outdoors	
Day	Start	Finish		Both	
Mon	As existing	As existing		Please give further details here (please read guidance note 5)	
Tue	As existing	As existing			
Wed	As existing	As existing	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	As existing	As existing			
Fri	As existing	As existing	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 7)		
Sat	As existing	As existing			
Sun	As existing	As existing			

Supply of alcohol Standard days and timings (please read guidance note 8)			<u>Will the supply of alcohol be for consumption</u> <u>(Please tick box Y)</u> (please read guidance note 9)		On the premises Off the premises Both		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
Day	Start	Finish					
Mon	10:00	00:00	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)				
Tue	10:00	00:00					
Wed	10:00	00:00					
Thur	10:00	00:00					
Fri	10:00	01:00	<u>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</u> (please read guidance note 7) No change to non standard timings				
Sat	10:00	01:00					
Sun	10:00	00:00					

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 10)

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variation (please read guidance note 6)
Day	Start	Finish	
Mon	10:00	00:30	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun	10:00	00:30	

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

Please tick ✓ yes

I have enclosed the premises licence

☐

I have enclosed the relevant part of the premises licence

☐

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

The original Premises Licence is already with the Council following on from a change of Designated Premises Supervisor application

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

The refurbishment is to enhance the internal area and improve the hygiene of the premises by way of separate wash up facility.

The provision of the external counter will ease congestion within the interior of the premises in periods of time when the garden is heavily used. The beer garden has been in existence for a considerable period of time and used by members of the public. The presence of the garden counter will provide more direct supervision for the external area.

The above is provided by way of explanation and is not intended to be converted into conditions.

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed

c) Public safety

No further risks have been identified which need to be addressed

d) The prevention of public nuisance

No further risks have been identified which need to be addressed

e) The protection of children from harm

The restrictions set out in the Licensing Act 2003 will apply. No unusual or additional risks of harm to children have been identified.

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable ☒
- I understand that I must now advertise my application ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (Please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners ...

Date: 18th May 2018

Capacity: Solicitors.....

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (Please read guidance note 14). **If signing on behalf of the applicant please state in what capacity.**

Signature: John Gaunt & Partners

Date:

Capacity: Solicitors.....

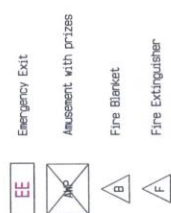
Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)	
John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT
Telephone number (if any)	
If you would prefer us to correspond with you by email your email address (optional)	

Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.



<p>Total Floor Area:</p> <p>Trading Area:</p> <p>Covers:</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">No.</th> <th style="width: 85%;">Description</th> </tr> </thead> <tbody> <tr> <td style="height: 100px;"> </td> <td> </td> </tr> </tbody> </table>	No.	Description			 <p>THE NEW INN 74 UDGAN ROAD BIRMINGHAM B1 7 0DJ</p>	<p>Proposed Ground Floor Plan</p> <p>Drwg No. P0518 / 6934 / 0.1</p> <p>Scale: 1:100 @ A3 Drawn: AW</p> <p><small>1. This plan is made in accordance with the Building Regulations and the Building Act 1984. It is not to be used for any other purpose without the written consent of the architect.</small></p> <p><small>2. The architect is not responsible for the accuracy of the information provided by the client or for the accuracy of the information provided by the client's agents or for the accuracy of the information provided by the client's agents.</small></p> <p><small>3. The architect is not responsible for the accuracy of the information provided by the client or for the accuracy of the information provided by the client's agents or for the accuracy of the information provided by the client's agents.</small></p> <p><small>4. The architect is not responsible for the accuracy of the information provided by the client or for the accuracy of the information provided by the client's agents or for the accuracy of the information provided by the client's agents.</small></p> <p><small>5. The architect is not responsible for the accuracy of the information provided by the client or for the accuracy of the information provided by the client's agents or for the accuracy of the information provided by the client's agents.</small></p>
No.	Description						

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

2413 / 5

Part 1 - Premises details:**Postal address of premises, or if none, ordnance survey map reference or description**New Inn
74 Vivian Road**Post town:**

Birmingham

Post Code:

B17 0DJ

Telephone Number:**Where the licence is time limited the dates**

N/A

Licensable activities authorised by the licence

B	Films
C	Indoor sporting events
E	Live music
F	Recorded music
G	Performances of dance
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

The times the licence authorises the carrying out of licensable activities

Sunday – Thursday	10:00	-	00:00	B,C,E,F,G,M3
	23:00	-	00:00	L
Friday – Saturday	10:00	-	01:00	B,C,E,F,G,M3
	23:00	-	01:00	L

Christmas Day – 11:00 to 23:00

New Year's Eve – 10:00 to 01:00 New

Year's Day

The Premises may open for licensable activities to show the broadcast of televised sporting events of national or international interest outside normal operating hours, such opening times for this purpose to be confirmed upon 7 days prior notice in writing to the Police before the premises intend to open, such notification to include the opening times and the sporting event which is to be shown.

BIRMINGHAM CITY COUNCIL

The opening hours of the premises

Sunday – Thursday	10:00	-	00:30
Friday - Saturday	10:00	-	01:30

N.B Opening hours may be extended to reflect any such extension of the permitted times for licensable activities as are detailed above.

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

On and Off Supplies

BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Marstons PLC	
Post town:	Post Code:
Telephone Number:	
Email N/A	

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

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Post town:	Post Code:
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 10275/1	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 22/09/2017

S.A. Yasser

SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

Annex 1 – Mandatory Conditions

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

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

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

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

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

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

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where

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the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

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

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No adult entertainment or services, with the exception of two A.W.P. machines, to be provided at the premises.

The provision of regulated entertainment and late night refreshment to take place indoors only.

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

Any person exercising a security activity (as defined by paragraph 2(1)(a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority.

Any person exercising a security activity as defined above will be employed at the premises at the discretion of the designated premises supervisor/holder of the premises licence.

Any person exercising a security activity as defined above will clearly display his name badge at all times whilst on duty.

No customers apparently carrying open bottles upon entry shall be admitted to the premises at any time the premises are open to the public.

Where C.C.T.V. is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within a reasonable time upon request by the Police.

Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.

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

The Licence Holder will comply with the reasonable requirements of the Fire Officer.

The Licence Holder will comply with the reasonable requirements of the Building Control Officer.

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

Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly.

Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.

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

Persons under the age of 16 will be admitted only if accompanied by an adult and are not permitted to enter the premises after 22:00 hours.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

3c) Committee conditions to promote public safety

N/A

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

N/A

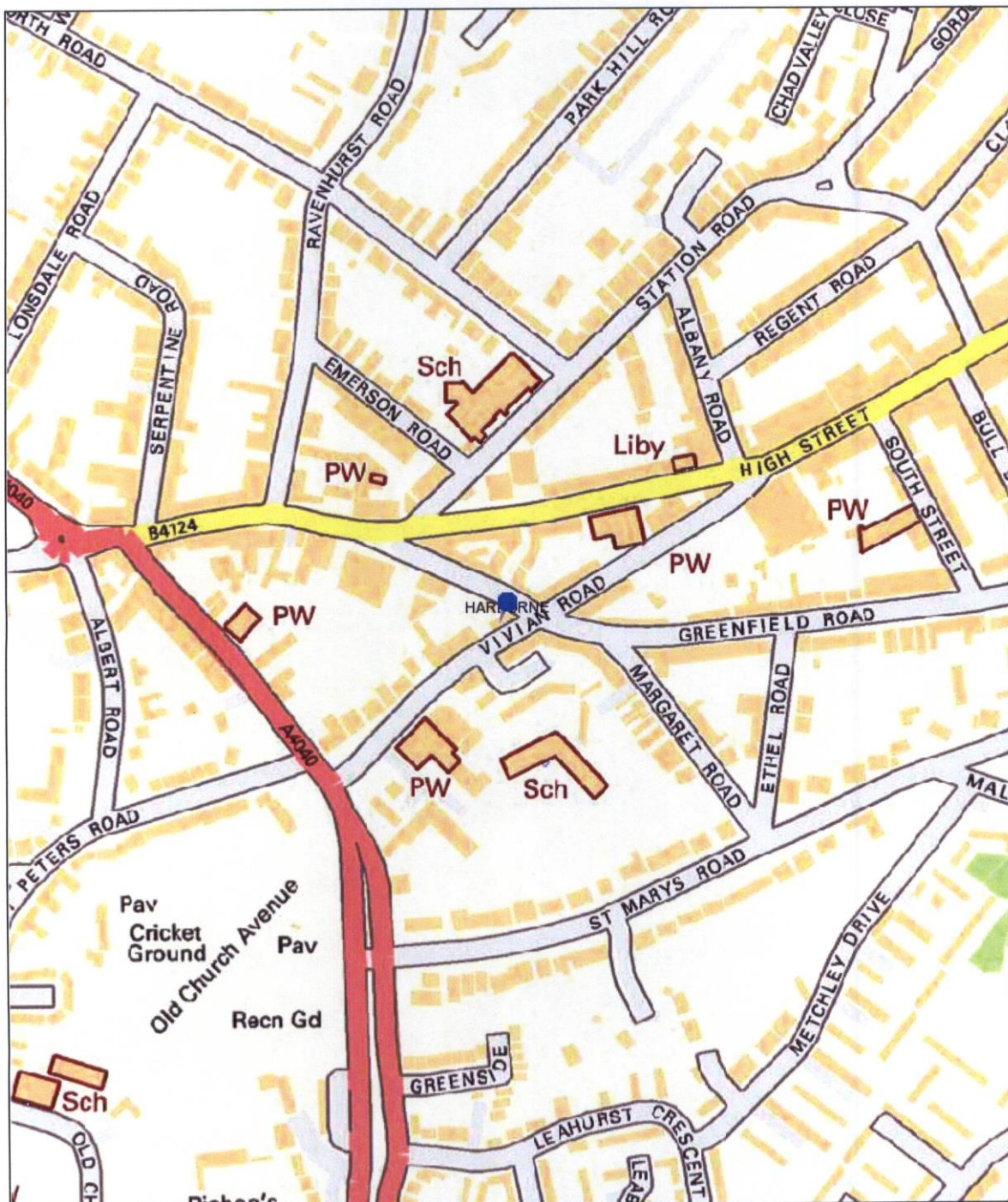
3e) Committee conditions to promote the protection of children from harm

N/A

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Annex 4 – Plans

The plan of the premises with reference number **6934/001** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



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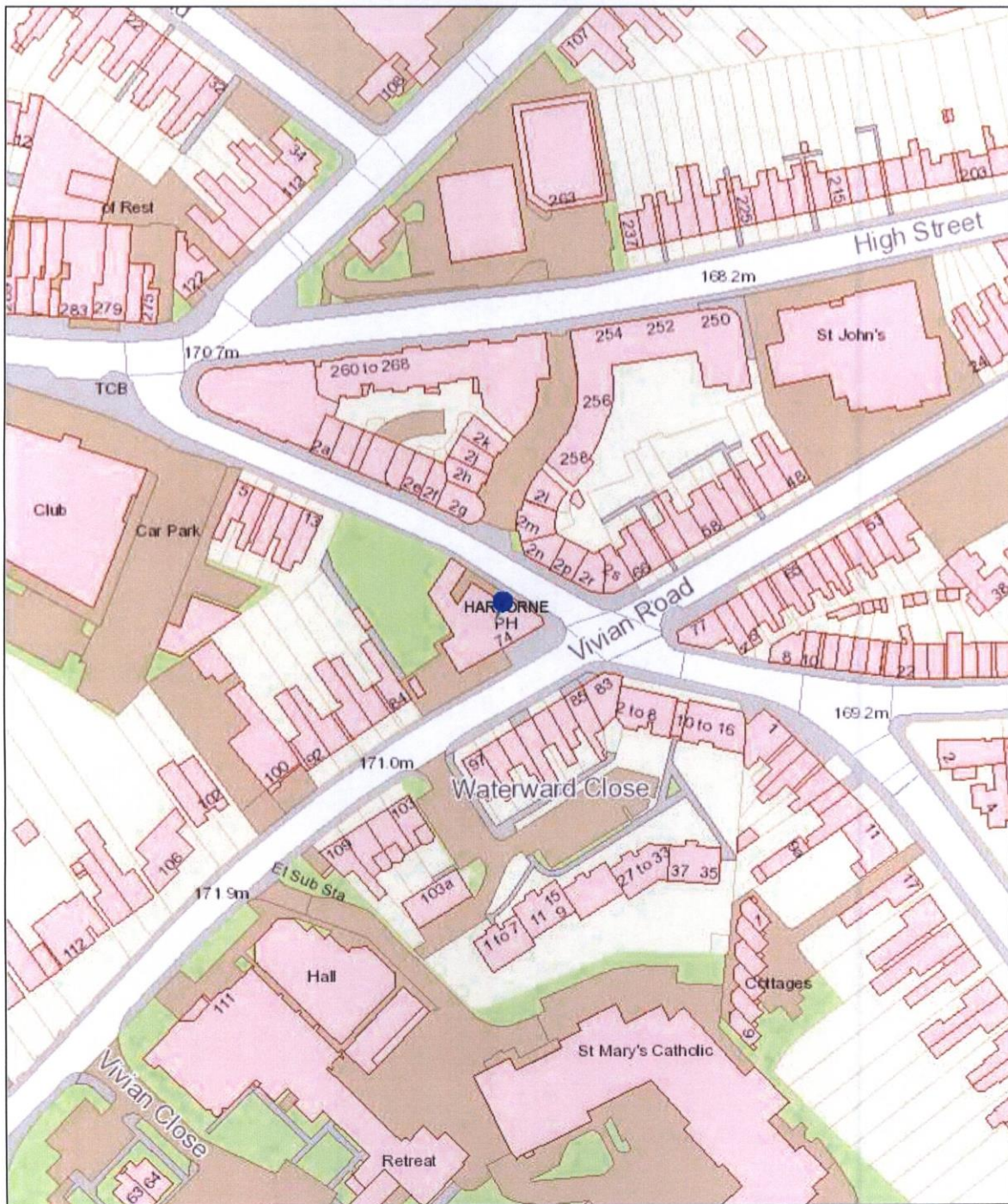
Date of Map Creation: 22/06/2018

Notes



Scale:
1:4,000

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