

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 24<sup>th</sup> April 2023</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Variation</b>
<b>Premises:</b>	<b>Diamond Lounge, 17-19 Barr Street, Newtown, Birmingham, B19 3EH</b>
<b>Ward affected:</b>	<b>Newtown</b>
<b>Contact Officer:</b>	<b>Bhapinder Nandhra, Senior Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

To consider relevant representations that have been made in respect of an application to vary the Premises Licence which initially sought to extend the hours for the Sale of Alcohol (for consumption on the premises), to operate from 10:00am until 01:30am (Monday to Wednesday) and 10:00am until 05:00am (Thursday to Sunday).

To extend the provision of Regulated Entertainment consisting of recorded music, to operate indoors only, from 11:00pm until 01:30am (Monday to Wednesday) and 11:00pm until 05:00am (Thursday to Sunday).

The provision of late night refreshment, to operate indoors only, from 11:00pm until 01:30am (Monday to Wednesday) and 11:00pm until 05:00am (Thursday to Sunday).

Premises to remain open to the public from 10:00am until 02:00am (Monday to Wednesday) and 10:00am until 05:30am (Thursday to Sunday).

After discussions with West Midlands Police the applicant has agreed to cease all licensable activities at 01:30am (Monday to Wednesday), 03:00am (Thursday) and 04:30am (Friday to Sunday).

### 2. Recommendation:

To consider the representations that have been made and to determine the application, having regard to:

- The submissions made by all parties
- The Statement of Licensing Policy
- The Public Sector Equality Duty
- The s182 Guidance

### 3. Brief Summary of Report:

Variation application received on 28<sup>th</sup> February 2023 in respect of Diamond Lounge, 17-19 Barr Street, Newtown, Birmingham, B19 3EH.

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

<b>4. Compliance Issues:</b>
<b>4.1 Consistency with relevant Council Policies, Plans or Strategies:</b>
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.
<b>5. Relevant background/chronology of key events:</b>
<p>Ghebremichael Habtom applied on 28<sup>th</sup> February 2023 to vary the Premises Licence for the Diamond Lounge, 17-19 Barr Street, Newtown, Birmingham, B19 3EH.</p> <p>A representation has been received from, Environmental Health as responsible authority, which is attached at Appendix 1.</p> <p>A representation has been received from other persons, which is attached at Appendix 2.</p> <p>The application is attached at Appendix 3.</p> <p>Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 4.</p> <p>The current Premises Licence is attached at Appendix 5.</p> <p>Site Location Plans at Appendix 6.</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"> <li>a. The prevention of crime and disorder;</li> <li>b. Public safety;</li> <li>c. The prevention of public nuisance; and</li> <li>d. The protection of children from harm.</li> </ul>
<b>6. List of background documents:</b>
<p>Copies of the representations as detailed in Appendices 1 and 2.</p> <p>Application Form, Appendix 3.</p> <p>Conditions agreed with West Midlands Police, Appendix 4.</p> <p>Current Premises Licence, Appendix 5.</p> <p>Site Location Plans, Appendix 6.</p>
<b>7. Options available</b>
<p>To grant the variation application</p> <p>To refuse the whole or part of the application</p> <p>To modify the conditions of the Licence</p>

**From:** Martin Key  
**Sent:** 20 March 2023 13:58  
**To:** Licensing  
**Cc:**  
**Subject:** Licensing Act 2003 Variation - Diamond Lounge  
**Importance:** High

Hi

I am responding to this application to vary a licence application on behalf of Environmental Health as a responsible authority and I formally raise a representation based on my concerns that the variation of the licence will not support the promotion of the licensing objective relating to the prevention of public nuisance..

The application from Habtom Ghebremichael is seeking to vary the premises licence number 5256 to increase hours for the provision of Regulated entertainment, Late Night refreshment and Sale of alcohol on the premises with a terminal hour of 01.30 Monday to Wednesday and 05.00 Thursday to Sunday. This amounts to an extension of one hour 30 minutes however I would note that there are some inconsistencies in the form as it appears they are now seeking hours for regulated entertainment that begin at 23.00 which is significantly different to the existing premises licence. The site is located in a mixed-use area however directly opposite are premises with residential use and there are large residential regeneration schemes on this road. The premises has planning consent for commercial use and there is no permission for any form of bar, nightclub or restaurant.

The premises have been subject to noise complaints over a period of time and investigations have been impacted by COVID and changes in operator. However the noise complaints relate to both noise breakout from the premises and noise from patrons and vehicles in the street and associated behaviours. The premises are directly opposite residential use and there is now new extended residential use in the area and the existing operations are already creating adverse impacts and this department is currently considering further action. The premises lack effective noise mitigation design and have an external smoking area and my concerns relate to both music noise breakout, noise from patrons in the external smoking area and access, egress and vehicles on the street. I note the applicant has provided additional conditions however none of these would address the primary issues which are the premises' lack effective noise mitigation measures and controls.

My concern is that the use is out of character of the area and has no planning consent. The conditions that do not address the impacts and the proposed hours I am unable to support this application.

Based on the information provided I am concerned that there will be a significant noise impact from building breakout, patrons using external areas and noise from patrons exiting and entering the premises.

The fundamental issue is the extended hours when the premises are already causing impact and given the location I cannot support the extended hours requested and my concerns could not be addressed by conditions hence my representation.

Best Regards

Martin Key on behalf of Pollution Team  
Environmental Protection Officer

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Environmental Protection Unit  
Regulation & Enforcement  
City Operations Directorate  
Birmingham City Council

**From:**

**Sent:** 28 March 2023 17:16

**To:** Licensing

**Subject:** 17-19 Barr Street - Objection

Dear Licensing,

I wish to object to the proposed variation of the premises licence at 17-19 Barr Street, Birmingham, B19 3EH ("the Premises"). I am a local resident who lives in Gilders Yard, a residential development of which the back directly faces the Premises across the road.

**The Variation**

The requested variation, is laid out as follows

- Increase the times for the provision of Regulated entertainment, Late Night refreshments, and the Sale of alcohol on the premises; and
- New Times: Monday to Wednesday 10:00 - 01:30. Thursday to Sunday 10:00 – 05:00.

Collectively known as "the Variation", as requested by Habtom Ghebremichael "the Licensor".

**The Surrounding Area**

The Premises are located directly opposite a large apartment building (Gilders Yard) and approximately 80m from another new apartment building under construction (The Lamp Works).

The surrounding area is one of light industrial, small non-licensed retail, and due to its proximity to the Jewellery Quarter – increasingly of a dense residential nature.

The Premises are the only nightclub in the area. The closest comparison would be Hockley Social Club, but it is bounded by schools, a church, and light industry. There are no nearby residential units around that premise at all.

**The Licensing Objectives**

The Licensing Act 2003 lists the following objectives to be upheld by a licensing authority.

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

For the reasons I set out below, I do not believe that the Variation would be in accordance with these objectives.

**The Prevention of Crime and Disorder & Public Safety**

On the morning of 13 November 2022 an altercation started inside the Premises which then continued outside on Barr Street. This culminated in the arrival of police at the Premises at 5am with the street then cordoned off the next morning and the arrival of forensics to collect samples from the street.

Considering this is an otherwise quiet residential street, the Premises has inflicted considerable crime and disorder upon the neighbourhood. This type of crime and disorder is otherwise wholly out of character for the area and can be wholly attributed to the Premises.

I would like to query whether as part of consideration of the Variation, whether input has been sought from West Midlands Police to see if they believe the proposals put forward by the Licensor are appropriate given the Premises' previous history?

**The Prevention of Public Nuisance**

Due to its proximity to a large number of residential units the Premises creates a substantial source of public nuisance, particularly to Gilders Yard which is situated directly across the street from the Premises. Should the Variation be granted then this would only be increased.

Considering that this Variation would also affect future residents in the area, such as once construction has been completed at The Lamp Works, the nuisance will only further increase.

Because of the extremely poor noise insulation at the Premises it is clearly audible throughout its operating hours and prevents opening of windows in nearby residential units during the night and requires the use of

earplugs/white noise to sleep properly. The bass emanating from the Premises is very noticeable, and disappointingly continues to be after their recent renovations. The nuisance will be exacerbated during the warmer months when naturally windows will need to be opened but won't be able to due to the noise emitted by the Premises.

Under the previous licence conditions held by the Licensor in connection with Premises there were repeated breaches in relation to the hours of operation. This is something that I previously raised with Birmingham City Council licensing, leading them to liaise with the Licensor.

The granting of extended licensing conditions would therefore appear to be inconsistent with section 7.2 of the Interim Statement of Licensing Policy 2020 as published by Birmingham City Council, given previous documented breaches.

The Birmingham Big City Plan ("Big City Plan") identifies St George's and St Chad's industrial and residential communities. It also mentions the increasing number of residential units in the area, and the focus of entertainment/leisure in "*Broad Street, St Paul's Square and Digbeth High Street*". It does not identify the area as one looking to focus on entertainment, particularly as it would affect elements which it is explicitly focusing on.

Because Barr Street is not in an area which is designated or planned for this type of late-night entertainment, it not only disproportionality affects neighbours but also lacks the infrastructure to cope with the influx of people that establishments in other parts of the city benefit from. Compared to areas that the Big City Plan identifies for entertainment, Barr Street has

- poor transportation links. Due to the lack of a taxi rank or proper parking outside the Premises (as it is on a residential street) this causes a great deal of congestion (and subsequently noise through horns blaring) when taxis and other cars come to pick up patrons at the end of an evening. This lasts for up to 30 minutes;
- poor waste disposal and street cleaning. As this is a residential street there are no public bins for the disposal of waste. The waste from patrons inevitably ends up on the street leading to an unsightly mess. Because this is a residential area there is infrequent street cleaning to tidy the mess left caused by the Premises; and
- poor oversight and security. This can be seen by the events of 13 November 2022. Ultimately the Premises is on a little used side street which would be unreasonable for police & paramedics to maintain a permanent presence on, such as they do at more established areas of the city.

Approving the Variation would not only cause considerable public nuisance to neighbours, but also be at odds with the Big City Plan.

### **Summary**

For all of the reasons above I ask that the requested Variation not be approved.

Kind regards,



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

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

\* required information

### Section 1 of 18

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

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

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  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.

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"/>

#### Agent Details

* First name	<input type="text" value="Mijanur"/>	
* Family name	<input type="text" value="Rahman"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> 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="7021919"/>
Business name	<input type="text" value="Optimised Training Centre"/>
VAT number	<input type="text" value="-"/>
Legal status	<input type="text" value="Private Limited Company"/>
Your position in the business	<input type="text" value="Manager"/>
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	Optimised Training Centre
Street	1 Guildford Street
District	
City or town	Birmingham
County or administrative area	
Postcode	B19 2HN
Country	United Kingdom

**Section 2 of 18**

**APPLICATION DETAILS**

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

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

\* Premises Licence Number 5256 / 2

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

☒ Address ☐ OS map reference ☐ Description

**Postal Address Of Premises**

Building number or name	Diamond lounge
Street	17-19 Barr Street
District	
City or town	Birmingham
County or administrative area	
Postcode	B19 3EH
Country	United Kingdom

**Premises Contact Details**

Telephone number	
Non-domestic rateable value of premises (£)	5,500

**Section 3 of 18**

**VARIATION**



Continued from previous page...

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

☒ Yes ☐ No

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

☐ Yes ☒ No

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

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

#### Describe Briefly The Nature Of The Proposed Variation

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

Increase opening hours with the provision of Regulated entertainment, Late Night refreshment and Sale of alcohol on the premises.

#### Section 4 of 18

##### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

#### Section 5 of 18

##### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

#### Section 6 of 18

##### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Continued from previous page...

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

☐ Yes ☒ No

#### Section 7 of 18

##### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

#### Section 8 of 18

##### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

#### Section 9 of 18

##### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

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

☒ Yes ☐ No

##### Standard Days And Timings

###### MONDAY

Start

End

Start

End

###### TUESDAY

Start

End

Start

End

###### WEDNESDAY

Start

End

Start

End

###### THURSDAY

Start

End

Start

End

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

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

☒ Indoors ☐ Outdoors ☐ Both

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

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

State any seasonal variations for playing recorded music.

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

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

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

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#### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

Section 11 of 18

Continued from previous page...

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

[See guidance on regulated entertainment](#)

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

☐ Yes

☒ No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

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

☒ Yes

☐ No

**Standard Days And Timings**

**MONDAY**

Start

End

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

Start

End

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

Continued from previous page...

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

☒ Indoors      ☐ Outdoors      ☐ Both

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

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

State any seasonal variations.

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

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

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

#### Section 13 of 18

#### SUPPLY OF ALCOHOL

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

☒ Yes      ☐ No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start 10:00

End 01:30

Start

End

THURSDAY

Start 10:00

End 05:00

Start

End

FRIDAY

Start 10:00

End 05:00

Start

End

SATURDAY

Start 10:00

End 05:00

Start

End

SUNDAY

Start 10:00

End 05:00

Start

End

Will the sale of alcohol be for consumption?

- ☒ On the premises ☐ Off the premises ☐ Both

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

State any seasonal variations.

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

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

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

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ADULT ENTERTAINMENT



*Continued from previous page...*

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

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

NONE

#### Section 15 of 18

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

###### MONDAY

Start 10:00

End 02:00

Start

End

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

###### TUESDAY

Start 10:00

End 02:00

Start

End

###### WEDNESDAY

Start 10:00

End 02:00

Start

End

###### THURSDAY

Start 10:00

End 05:30

Start

End

###### FRIDAY

Start 10:00

End 05:30

Start

End

###### SATURDAY

Start 10:00

End 05:30

Start

End

###### SUNDAY

Start 10:00

End 05:30

Start

End

State any seasonal variations.

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

Continued from previous page...

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

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

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

NONE
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☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

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#### Section 16 of 18

#### LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

A Challenge 25 policy will be strictly followed by all staff. Staffs are trained as appropriate in respect of relevant licensing law. The open nature of the Lounge allows for good viewing coverage. CCTV is installed covering both inside and outside the premises. SIA approved door staff will be recruited.
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b) The prevention of crime and disorder

A Challenge 25 policy will be strictly followed by all staff. No member of staff shall be permitted to sell alcohol until trained in the operation of the Challenge 25 policy. Any person who appears to be under the age of 25 who attempts to buy alcohol shall be challenged to provide age verification in the form of a passport, photo driving licence or PASS accredited card. Where proper verification is not provided the sale shall be refused. A record of the refusal shall be kept in the refusals log, identifying the member of staff who refused the sale.
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Staff other than personal license holders involved in the sale/ supply of alcohol are to receive documented refresher



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training every six months.

The premises will deploy door staff from 22.00hrs when trading past 22.00hrs. Door staff will sign on and off duty. The premises will keep a profile of all door staff which will include a copy of their SIA licence and photographic ID. (If photographic ID is not available then a utility bill no older than 3 months will be acceptable.) The signing in & out sheets and profiles will be kept on the premises for a minimum of 3 months and made immediately available to any of the responsible authorities on request. Door staff will wear a fluorescent coat, jacket or waistcoat while on duty at the premises. Door staff will remain on duty until all the customers have dispersed.

The numbers of door staff and any earlier start time will be risk assessed by the premises. This risk assessment will be made available to any of the responsible authorities immediately on request.

The premises will operate a search policy. The policy will be made available to any of the responsible authorities on request.

The premises will operate a vulnerability policy. The policy will be made available to any of the responsible authorities on request.

The premises will operate a dispersal policy. The policy will be made available to any of the responsible authorities on request.

CCTV that is approved by West Midlands police will be fitted in the premises. Images will be retained for a period of at least 31 days and will be made available to any of the responsible authorities to view or copies produced on request. If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request.

All windows to be closed and remain closed while regulated entertainment is taking place after 20:00 hours except for ingress and egress or cases of emergency.

Once each week the CCTV system will be checked by the DPS or their nominated deputy. The time and date of the check the identity of the checker and the result of the check will be recorded in the incident log for the premises.

Door staff will remain on duty until all the customers have dispersed and this will form part of the premises dispersal plan

If the premises is hired out or any promoted event with/by a third party the premises will notify West Midlands Police Central Licensing Team (by email) a minimum of 28 days prior to the event taking place. This notification will be accompanied by a risk assessment tailored for that event. As well as the security plan the risk assessment will include the names, addresses and dates of birth of the person(s) hiring the room or promoter. It will also include the real names and stages names of any artist, DJ, band or performer. Any recommendations made by West Midlands Police in relation to an event will become conditions of the premises license for that event. West Midlands Police retain a right of veto for any event proposed.

The premises will be free of customers half an hour after the conclusion of licensable activity.

The premises is to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY".

All persons (including staff, DJs and entertainers) entering the premises whenever licensable activities are being carried on will be subject to a search. This search will include a full body search and metal detection. Each of those activities will be undertaken by a separate door supervisor.

No person will be allowed entry to the premises after 02:30 hours, save for re-entry for persons who were on the premises before 02:30 hours. Every person re-entering the premises will be strictly subject to the body and metal detection searches.

A refusals log will be maintained at the premises. Each entry will be signed off by the DPS.

**Continued from previous page...**

An incident log will be maintained at the premises. Each entry will be signed off by the DPS.

The Designated Premises Supervisor or other competent person shall carry out observations in the vicinity of the premises on at least two intervals between 20:00 and midnight (Monday – Wednesday) and 20:00 and 05:00 (Thursday - Sunday) whilst recorded music is playing in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept, records shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Records shall be available at all times upon request to an authorised officer of the Licensing Authority, Environmental Health Department or the Police.

**c) Public safety**

A fire risk assessment will be conducted. Any findings will be actioned and the premises made safe in the allocated time of the risk assessment.

All sofas and furnishings will comply with the BS 7166 regulations (to a minimum of crib ignition source 5)

Suitable fire alarm will be installed which meets the BS 5839 standards and a copy of the certificate will be made available to responsible authorities. The system will be tested weekly and records will be kept. Any faults will be recorded and rectified by an approved competent person.

The emergency lighting system will be installed to the BS 5266 standards to ensure all exits routes are illuminated in the event of a power failure. The system will be tested monthly, and records kept.

The Designated Premises Supervisor is aware of his responsibilities to the staff and customers in respect of public safety and will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations.

**d) The prevention of public nuisance**

All deliveries will be received between 10:00 and 18:00.

The Designated Premises Supervisor or other competent person shall carry out observations in the vicinity of the premises on at least two intervals between 23:00 and 02:00 (Monday – Thursday, Sunday) and 23:00 and 06:00 (Friday and Saturday) whilst live music or recorded music is playing in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept, records shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Records shall be available at all times upon request to an authorised officer of the Licensing Authority, Environmental Health Department or the Police.

All doors shall be kept closed except for the purpose of access/egress during the performance of regulated entertainment.

The Licence Holder shall erect prominent, clear and legible signage inside the premises requesting patrons to be considerate of local residents when leaving the premises.

**e) The protection of children from harm**

We recognise the importance of protecting children from harm and this is supported by our commitment to health and safety in the operation and maintenance of the premises and also our approach to managing the risk of under age drinking.

The Designated Premises Supervisor and staff will at all times remain aware of their responsibilities under the objective, including that alcohol shall not be sold to anyone under the age of 18. Staff on duty will be trained and made aware of a challenge 25 policy and the requirements and the need to demand an acceptable form of age id. Training records will be maintained and updated by DPS every six months.



*Continued from previous page...*

No adult entertainment is permitted at these premises

No persons under the age of 18 will be allowed to be on the premises after 2200 hours.

#### **Section 17 of 18**

#### **NOTES ON REGULATED ENTERTAINMENT**

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

*Continued from previous page...*

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

#### **Section 18 of 18**

#### **PAYMENT DETAILS**

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

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at <https://www.tax.service.gov.uk/business-rates-find/search>

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00\*

Band E - £125001 and over - £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

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

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

Capacity 5000-9999 - £1,000.00

Capacity 10000 -14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

\* Fee amount (£)

190.00

#### **DECLARATION**

*Continued from previous page...*

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

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name   
\* Capacity   
\* Date  /  /   
dd mm yyyy

[Add another signatory](#)

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

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/change-1> to upload this file and continue with your application.

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

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



From: Optimised Training Centre  
Sent: 14 March 2023 12:52  
To: Mark Swallow  
Subject: [External]: Re: Diamond Lounge Conditions

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Hi Mark,  
We are happy to accept the conditions.

Kind regards  
Mij

On 14/03/2023 09:13 AM, Mark Swallow wrote:  
Mij,

As discussed on the phone, we would suggest the following.

- \* Monday to Wednesday licensable activity to conclude at 0130.
- \* Thursday licensable activity to conclude at 0300.
- \* Friday to Sunday licensable activity to conclude at 0430.
  
- \* The licence holder shall maintain and operate an ID Scan to all persons entering the premises whenever licensable activities are being carried on. The premises is to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY".
  
- \* Simon Mebrahto will play no part in the running or management of the premises.
  
- \* The Designated Premises Supervisor or other competent person shall carry out observations in the vicinity of the premises on at least two intervals between 20:00 and midnight (Monday - Thursday) and 20:00 and 04:00 (Friday - Sunday) whilst recorded music is playing in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept, records shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Records shall be available at all times upon request to an authorised officer of the Licensing Authority, Environmental Health Department or the Police.
  
- \* No person will be allowed entry to the premises after 02:00 hours, save for re-entry for persons who were on the premises before 01:30 hours. Every person re-entering the premises will be strictly subject to the body and metal detection searches.

Mark.



# LICENSING ACT 2003

## PREMISES LICENCE

Premises Licence Number:

5256 / 2

### Part 1 - Premises details:

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

Diamond Lounge  
17-19 Barr Street

**Post town:**

Birmingham

**Post Code:**

B19 3EH

**Telephone Number:**

Not Specified

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

N/A

**Licensable activities authorised by the licence**

F Recorded music  
L Late night refreshment  
M1 Sale of alcohol by retail (on the premises)

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

Sunday - Thursday	10:00	-	01:30	F ,M1
	23:00	-	01:30	L
Friday - Saturday	10:00	-	03:30	F ,M1
	23:00	-	03:30	L

**The opening hours of the premises**

Sunday - Thursday	10:00	-	02:00
Friday - Saturday	10:00	-	04:00

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

On Supplies

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Mr Habtom Ghebremichael	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	
<b>Email</b>	

<b>Registered number of holder for example company number or charity number (where applicable)</b> N/A
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<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Mr Habtom Ghebremichael	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 10325	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

*Dated 14/07/2022*

Bhapinder Nandhra  
Senior Licensing Officer  
For Director of Regulation and Enforcement



## Annex 1 – Mandatory Conditions

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

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

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

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

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

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

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) “permitted price” is the price found by applying the formula  $P = D + (D \times V)$ , where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day

applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

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

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

All Staff will be trained in respect of the four licensing objectives. All training will be documented, kept on site, signed as received by each member of staff and produced to an authorised person upon request. Refresher training will be carried out every 12 months.

The Designated Premises Supervisor will monitor levels of noise from both inside and outside the premises and remedial action will be taken. A record will be kept of this and produced to an authorised person upon request.

There is a strong management and security procedures in place which encompasses the four licensing objectives as below.

A Challenge 25 policy will be strictly followed by all staff.

The open nature of the premises allows for good viewing coverage.

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

CCTV is installed both inside and outside the premises. C

CTV will be recording at all times the premises are open for any licensable activities and images will be held for a minimum of 28 days and made available immediately on request by any of the Responsible Authorities.

The Premises License Holder will ensure that a trained member of staff will be on duty and be available to download the CCTV to any of the Responsible Authorities.

The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol.

Any person who appears drunk /aggressive will not be permitted on the premises.

The premises will produce a risk assessment for the operation of the premises. This RA will be shared with WMP licensing team, and will be reviewed when needed. The RA will cover the need to have SIA door supervisors at the premises.

The Premises Licence Holder will maintain a refusals book (or refusal button on EPOS - Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18. The refusal book or record of till recorded refusals must be made available to any Responsible Authority on request.

The Premises Licence Holder shall ensure that an incident book will be kept on the premises to record all incidents that occur inside or immediately outside the premises, irrespective of whether any of the emergency services have been called. This book will be made available for inspection at any time by any Responsible Authority.

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

The premises licence holder will fully support any directives received from the authorities.

Floor staff will conduct physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the management.

The Designated Premises Supervisor is aware of her responsibilities to the staff and customers in respect of public safety and will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations.

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

All deliveries will be received during daytime prior to 18:00 to control noise nuisance. In conjunctions with the steps proposed for the prevention of crime and disorder objectives, the Licensees and staff will at all times remain responsible for the prevention of public nuisance in and around the premises.

The Designated Premises Supervisor will arrange to monitor levels from both inside and outside the premises and remedial action will be taken as appropriate.

Doors and windows will be kept closed as deemed necessary by the Designated Premises Supervisor.

A notice will be displayed at the exit of the premises requesting that customers leave quietly and be respectful to neighbours.

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

The Designated Premises Supervisor and staff will at all times remain aware of their responsibilities under the objective, including that alcohol shall not be sold to anyone under the age of 18.

Staff on duty will be trained and made aware of the challenge 25 policy and the requirements and the need to demand an acceptable form of age ID.

No adult entertainment is permitted at these premises

No persons under the age of 18 will be allowed on the premises after 22:00 hours unless accompanied by an adult.

A Challenge 25 poster will be displayed on the premises.

### **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

#### **Annex 4 – Plans**

The plan of the premises with reference number **125442-5256/2** 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.



