BIRMINGHAM CITY COUNCIL

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation &
	Enforcement
Date of Meeting:	Wednesday 22 nd June 2016
Subject:	Licensing Act 2003
-	Premises Licence – Grant
Premises:	The Monastery, 173 – 175 Digbeth High Street,
	Deritend, Birmingham, B12 0LD
Ward affected:	Nechells
Contact Officer:	David Kennedy, Principal Licensing Officer,
	0121 303 9896, <u>licensing@birmingham.gov.uk</u>

1. Purpose of report:

To consider a relevant representation that has been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption on the premises) to operate 24hours (Monday to Sunday).

To permit the provision of Regulated Entertainment consisting of plays, films, indoor sporting events, live music, recorded music and performances of dance, to operate indoors only, 24hours (Monday to Sunday).

To permit the provision of Late Night Refreshment to operate from 11:00pm until 05:00am (Monday to Sunday).

Premises to remain open to the public 24hours (Monday to Sunday).

2. Recommendation:

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

3. Brief Summary of Report:

An application for a Premises Licence was received on 28th April 2016 in respect of The Monastery, 173 – 175 Digbeth High Street, Deritend, Birmingham, B12 0LD.

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

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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.

5. Relevant background/chronology of key events:

Soundscape Bars and Clubs Limited applied on 28th April 2016 for the grant of a Premises Licence for The Monastery, 173 – 175 Digbeth High Street, Deritend, Birmingham, B12 0LD.

A representation has been received from West Midlands Police. See Appendix 1.

The application is attached at Appendix 2.

A Condition has been agreed with Environmental Health and the applicant, which is attached at Appendix 3.

Site Location Plans at Appendix 4.

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:-

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

6. List of background documents:

Copy of the representation as detailed in Appendix 1 Application Form, Appendix 2 Condition agreed with Environmental Health, Appendix 3 Site Location Plans, Appendix 4

7. Options available

To Grant the licence in accordance with the application.

To Reject the application.

To Grant the licence subject to conditions modified to such an extent as considered appropriate. Exclude from the licence any of the licensable activities to which the application relates. Refuse to specify a person in the licence as the premises supervisor. **Appendix 1**

ENTERED N

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From: Sent: To: Ben Reader < 26 May 2016 10:44

Cc: Subject:

Objection To Application

Good morning licensing,

Reference Application 95819 The Monastery 173-175 High Street Deritend Birmingham B12 OLD

West Midlands Police object to the premises application made by Soundscape Bars and Clubs Limited for a premises licence at the above location.

Several weeks ago, WMP met with representatives of the company, the proposed DPS and their solicitor to discuss this application. The discussion covered operating hours, proposed conditions and how the premises would promote the licensing objectives. This discussion has not followed though into the application.

The application has been submitted which covers a 24 hour period of trading throughout the whole week which causes WMP concern from a crime and disorder as well as a public nuisance point of view.

Another premises operated by Soundscape bars and Clubs Limited is currently the subject of interim steps following a serious incident which highlighted management failings and non-compliance with licensing conditions. This matter is progressing and there are still items outstanding in our investigation as to the actions taken by the PLH and DPS. This investigation questions the suitability of the PLH and DPS to promote the licensing objectives.

Thank you

Ben

Police Constable 2413 Ben Reader Licensing Department Birmingham West & Central Local Policing Unit Birmingham Central Station, Steelhouse Lane, Birmingham, B4 6NW

Preventing crime, protecting the public and helping those in need

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[Insert name and addres	s of relevant licens	ing authority and its r	eference numb	er (optional).]	
		premises licence to he Licensing Act 206			
PLEA	SE READ THE F	OLLOWING INSTR	UCTIONS FIF	RST	
Before completing this for this form by hand please v boxes and written in black	rite legibly in block	capitals. In all cases	nd of the form, 1 cnsure that you	If you are completing r answers are inside the	
You may wish to keep a co	opy of the complete	d form for your record	ls.		
I/We SOUNDSCAPE BA (Insert name(s) of ap apply for a premises licen Part 1 below (the premise authority in accordance w Part 1 – Premises Details	<i>plicant)</i> nce under section 1 es) and I/we are m with section 12 of t	7 of the Licensing A aking this application	n to you as the i		
Postal address of premises	or if none ordnan	e survey mon referen		BCC	
THE MONASTERY 173 – 175 DIGBETH HE DERITEND			REGULATIO LICEN	N & LWFORCEMENT ISING SECTION IE RECLIVED	
				-	
		4	<u>A</u>	4-28/-242	
Post town BIRMING	HAM		Postcode	B12 0LD	
Telephone number at prem	ises (if any)		··		
Non-domestic rateable value of premises £20000 ESTIMATE					
Part 2 - Applicant Details	<u></u>				
Please state whether you a	e applying for a pro		ck as appropriat	e	

b) a person other than an individual *

i. as a limited company \boxtimes please complete section (B) as a partnership please complete section (B) ii, as an unincorporated association or iii. please complete section (B) \square iv. other (for example a statutory corporation) please complete section (B)

statutory function or a function discharged by virtue of Her Majesty's prerog	ative		
statutory function or			
aking the application pursuant to a			
	lves th	e use of the premises for	\boxtimes
tick yes			
u are applying as a person described in (a) or (b) please c	onfirm		
the chief officer of police of a police force in England and Wales		please complete section (B)	
a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		please complete section (B)	
a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales		please complete section (B)	
a health service body		please complete section (B)	
the proprietor of an educational establishment		please complete section (B)	
a charity		please complete section (B)	
a recognised club		please complete section (B)	
	a charity the proprietor of an educational establishment a health service body a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England the chief officer of police of a police force in England and Wales u are applying as a person described in (a) or (b) please of tick yes	a charity	a charity please complete section (B) the proprietor of an educational establishment please complete section (B) a health service body please complete section (B) a health service body please complete section (B) a person who is registered under Part 2 of the Care please complete section (B) Standards Act 2000 (c14) in respect of an independent please complete section (B) hospital in Wales please complete section (B) a person who is registered under Chapter 2 of Part 1 please complete section (B) of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in please complete section (B) u are applying as a person described in (a) or (b) please confirm: tick yes arrying on or proposing to carry on a business which involves the use of the premises for ble activities; or

Mr 🗌 Mrs 🗍 Miss 🗌	Ms D Other Title (for example, Rev)
Surname	First names
I am 18 years old or over	Please tick yes
Current postal address if different from premises address	
Post town	Postcode
Daytime contact telephone number	
E-mail address (optional)	

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr [] Mrs [] Miss []	Ms D Other Title (for example, Rev)
Surname	First names
I am 18 years old or over	Please tick yes
Current postal address if different from premises address	
Post town	Postcode
Daytime contact telephone number	
E-mail address (optional)	

(B) OTHER APPLICANTS

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

Name SOUNDSCAPE BARS AND CLUBS LIMITED	
Address ONYX, THE BOND 180-182 FAZELEY STREET BIRMINGHAM B5 5SE	
Registered number (where applicable) 07831392	
Description of applicant (for example, partnership, co COMPANY	npany, unincorporated association etc.)
Telephone number (if any)	
E-mail address (optional)	

Part 3 Operating Schedule

When do you want the premises licence to start?

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

DD)	MN	Л	ΥY	Ϋ́	<u>,</u>

DD	MM	YYYY		

Please give a general description of the premises (please read guidance note 1) CLUB PREMISES AND GENERAL ENTERTAINMENT VENUE

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

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

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

Prov	ision of regulated entertainment	Please tick any that apply
a)	plays (if ticking yes, fill in box A)	\boxtimes
b)	films (if ticking yes, fill in box B)	\boxtimes
c)	indoor sporting events (if ticking yes, fill in box C)	\boxtimes
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	\boxtimes
f)	recorded music (if ticking yes, fill in box F)	\boxtimes
g)	performances of dance (if ticking yes, fill in box G)	\boxtimes
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note			Will the performance of a play take place indoors or outdoors or both please tick (please read guidance note 2)	Indoors	
6)				Outdoors [
Day	Start	Finish]	Both	
Mon	0000	2400	Please give further details here (please read guidance	e note 3)	
Tue	0000	2400			
	ļ				
Wed	0000	2400	State any seasonal variations for performing plays (note 4)	please read gui	dance
	-				
Thur	0000	2400			
Fri	0000	2400	Non standard timings. Where you intend to use the	premises for 1	the
	0000	2400	performance of plays at different times to those liste	ed in the colum	<u>nn on</u>
Sat	0000	2400	the left, please list (please read guidance note 5)		
		2,00			
Sun	0000	2400			

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B

Films Standard days and timings (please read guidance note		Ļ	Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
6)	8			Outdoors	
Day	Start	Finish	1	Both	
Mon	0000	2400	Please give further details here (please read guidance	note 3)	
Tue	0000	2400			
Wed	0000	2400	State any seasonal variations for the exhibition of fil guidance note 4)	<u>ms</u> (please read	
Thur	0000	2400	-		
Fri	0000	2400	Non standard timings. Where you intend to use the exhibition of films at different times to those listed in left, please list (please read guidance note 5)		
Sat	0000	2400			
Sun	0000	2400			

Indoor sporting events Standard days and timings (please read guidance note 6)		d timings	Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon	0000	2400	
Tue	0000	2400	State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed	0000	2400	
Thur	0000	2400	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 5)
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	

С

D

Boxing or wrestling entertainments Standard days and timings			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
(please read guidance note 6)			4	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 3)	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainm (please read guidance note 4)		<u>t</u>
Thur					
Fri		Non standard timings. Where you intend to use the premises for boxin or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		oxing	
Sat			, , , , , , , , , , , , , , , , ,	,	
Sun					

Е

Live music Standard days and timings (please read guidance note			Will the performance of live music take place indoors or outdoors or both – plcase tick (please read guidance note 2)	Indoors	
6)				Outdoors	
Day	Start	Finish	1	Both	
Mon	0000	2400	Please give further details here (please read guidance	e note 3)	
Tue	0000	2400			
Wed	0000	2400	State any seasonal variations for the performance or read guidance note 4)	f live music (pl	case
Thur	0000	2400			
Fri	0000	2400	Non standard timings. Where you intend to use the performance of live music at different times to those on the left, please list (please read guidance note 5)		
Sat	0000	2400			
Sun	0000	2400	-		

F

Recorded music Standard days and timings (please read guidance note 6)		d timings	Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish	1	Both	
Mon	0000	2400	Please give further details here (please read guidance	note 3)	
Tue	0000	2400			
Wed	0000	2400	State any seasonal variations for the playing of recorded music (pleas read guidance note 4)		ase
Thur	0000	2400			
Fri	0000	2400	Non standard timings. Where you intend to use the playing of recorded music at different times to those on the left, please list (please read guidance note 5)		
Sat	0000	2400			
Sun	0000	2400	-		

Performances of dance Standard days and timings (please read guidance note 6)		d timings	Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish]	Both	
Mon	0000	2400	Please give further details here (please read guidance	note 3)	
Tue	0000	2400			
		2400			
Wed	0000	2400	State any seasonal variations for the performance of guidance note 4)	f dance (please	read
Thur	0000	2400			
Fri	0000	2400	Non standard timings. Where you intend to use the performance of dance at different times to those listed		
Sat	0000	2400	the left, please list (please read guidance note 5)		
Sun	0000	2400			

G

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment ye	ou will be provid	ting
Day	Start	Finish	Will this entertainment take place indoors or	Indoors	
Мол			outdoors or both – please tick (please read guidance note 2)	Outdoors	
				Both	
Tue Wed			Please give further details here (please read guidance note 3)		
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

H

Ι

Late night refreshment Standard days and timings (please read guidance note			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
6)				Outdoors	
Day	Start	Finish]	Both	
Mon	2300	0500	Please give further details here (please read guidanc HOT FOOD AND DRINK MAY BE SERVED	e note 3)	
Tue	2300	0500			
Wed	2300	0500	State any seasonal variations for the provision of la (please read guidance note 4)	te night refresl	ment
Thur	2300	0500			
Fri	2300	0500	Non standard timings. Where you intend to use the provision of late night refreshment at different time the column on the left, please list (please read guidar	s, to those liste	
Sat	2300	0500	the column on the left, prease list (please read guidan	ice fine ()	
Sun	2300	0500			

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Supply of alcohol Standard days and timings (please read guidance note			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	⊠
6)	5			Off the premises	
Day	Start	Finish		Both	
Mon	0000	2400	State any seasonal variations for the supply of alco guidance note 4)	hol (please read	
Тие	0000	2400			
Wed	0000	2400			
Thur	0000	2400	Non standard timings. Where you intend to use th supply of alcohol at different times to those listed i left, please list (please read guidance note 5)	e premises for n the column of	t <u>he</u> 1 the
Fri	0000	2400			
Sat	0000	2400			
Sun	0000	2400			

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

Name HITESH CHAUHAN	
Address	
71441055	
	1
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8). NONE

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К

Hours premises are open to the public Standard days and timings (please read guidance note 6)		d timings	State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0000	2400	
Tue	0000	2400	
Wed	0000	2400	Non standard timings. Where you intend the premises to be open to
'l'hur	0000	2400	public at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	0000	2400	-
Sat	0000	2400	
Sun	0000	2400	

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

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

SEE CONDITIONS PROPOSED BELOW

b) The prevention of crime and disorder

The Designated Premises Supervisor or another qualified person will train any staff at the premises on the basic laws of selling alcohol and on compliance with the conditions on the Premises Licence and a log of this training will be maintained. The training log can be inspected by any Responsible Authority on request.

If the Premises Licence holder wishes to operate past 06:30 hrs, the premises must inform the Licensing Department at Steelhouse Lane Police Station, in writing, a minimum of 14 days in advance. West Midlands Police have a power of veto, if it's believed the four Licensing objectives may be breached.

The Premises Licence Holder shall ensure that a CCTV system is to be installed at the premises to the specification agreed with the Licensing Department at Steelhouse Lane Police Station. CCTV is to be operational whilst the premises are open and be recording continually. The recordings are to be kept for minimum of 28 days. The CCTV images to be made available to any responsible authority immediately on request.

The Premises Licence Holder will maintain an operational policy incorporating risk assessments to cover all events held at the premises and this policy must be submitted to WMP each time there is an amendment made to the policy and the PL holder must consider all best practice advice from any Responsible Authority in amending or updating the policy. The policy will cover at a minimum:- SIA door security needs and deployment and responsibilities; CCTV; drugs policy; incident handling; public nuisance avoidance.

An incident register of all occurrences and ejections from the premises will be maintained at the premises and any details of public order offences will be recorded. The register will be produced and made available for inspection upon request by a Responsible Authority.

The DPS will actively participate in any local Pub Watch scheme.

The premises licence holder is to prepare a risk assessment for door security requirements to the reasonable satisfaction of West Midlands Police and the requirements identified are binding upon this premises licence. The DPS or nominated person shall keep, and maintain a register of door supervisors, in which shall be recorded at the start of each period of duty the date, name, Door Supervisors SIA registration number, commencement and finishing time of duty.

The DPS shall produce the register and the verification of Door Supervisors identities, upon request, at all reasonable times to any Police Officer or to any Authorised Officer of the City Council.

All on duty security/ door supervisors must wear high visibility jackets whilst attending the door and must wear high visibility arm bands within the premises itself.

c) Public safety

The second floor inside area will not be used for any licensable activity until such time as the use of this area has been signed off by WMFS.

d) The prevention of public nuisance

The Premises Licence holder shall ensure sound tests will be undertaken to ensure Regulated Entertainment is not causing Public Nuisance to any party.

The second floor inside area will not be used for any Regulated Entertainment until such time as adequate sound insulation measures have been implemented as reasonably advised by Environmental Health.

e) The protection of children from harm

All alcohol sale refusals will be noted in a refusals register which can be inspected by a Responsible Authority on request.

Acceptable ID will only be a passport, photo driving licence or a recognised proof of age card.

A challenge 25 policy will be operated by the premises with notices informing customers of the policy being displayed sufficiently within the premises so the policy is sufficiently publicised with at least one displayed behind each Bar. Staff must be trained on this policy. The staff will be regularly reminded/ trained to enforce the challenge 25 policy.

Checklist:

Disease	tink to	indianta	agreement
riease	uck u) mulcale	agreement

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• I have enclosed the plan of the premises.

I have made or enclosed payment of the fee.

• I have sent copies of this application and the plan to responsible authorities and others where \square

• I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.

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- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

		Reau. Sumagh
Signature	Vonith Contrs &	
Date	Spt. April 201	Kenneth Curtis
Capacity	Schotors	Entry Constant
		ONERPO

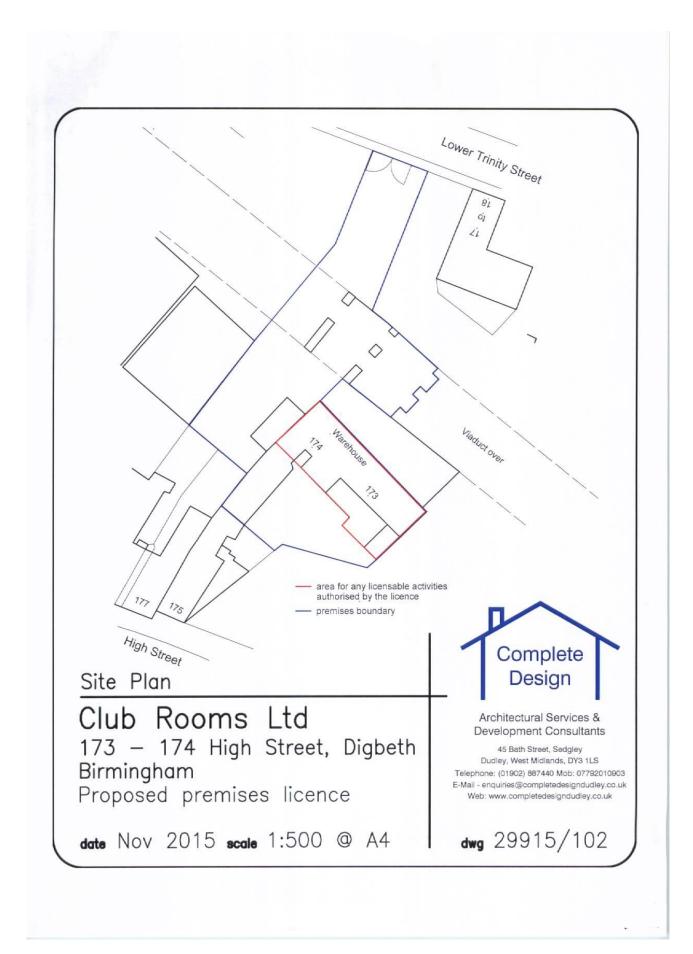
For joint applications, signature of 2^{nd} applicant or 2^{nd} applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

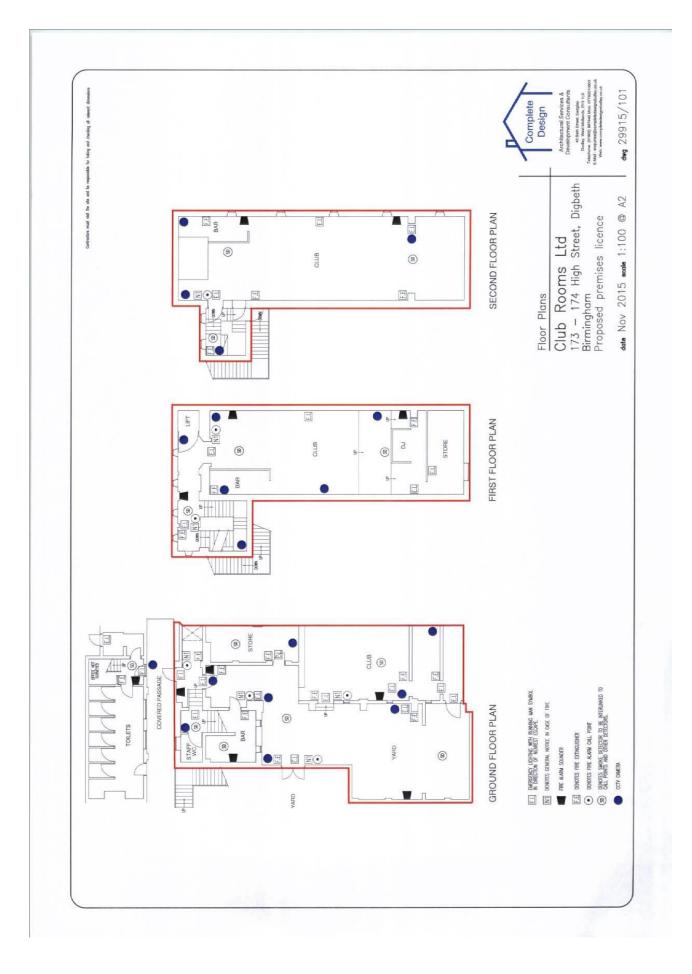
Signature	
Date	
Capacity	

application (p ADRIAN CU	lease read guidance no RTIS CURTIS & CO E ROAD		lress for correspondence as:	sociated with this
Post town	BIRMINGHAM		Postcode	B42 2TP
Telephone number (if any)				
lf you would	prefer us to correspon	d with you by e-mail, j	your e-mail address (option	al)

Notes for Guidance

1. 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-





Appendix 3

From:	Jane Dunsford
Sent:	24 May 2016 15:23
To:	Licensing
Cc:	Adrian Curtis; Q CLUB
Subject:	FW: Monastery 173- 174 High Street, Digbeth
Attachments:	EHO plan re agreed conditionpdf

Dear Licensing,

Please see condition agreed with the applicant below.

Regards

Jane Dunsford **Environmental Protection Officer Environmental Protection Unit**

From: Adrian Curtis Sent: Tuesday, May 24, 2016 2:35 PM To: Jane Dunsford Cc: Subject: RE: Monastery 173- 174 High Street, Digbeth

Hi Jane,

For clarity i suggest it reads:-

The ground floor and second floor areas shown hatched blue on the attached plan will not be used for Regulated Entertainment until such time as adequate mitigation measures are undertaken to a standard agreed by Birmingham City Council, Environmental Health, so as not to cause a public nuisance.

. . . .

If we are agreed we can forward it to licensing copying us all in.

Regards

Adrian

Adrian Curtis Solicitor & Partner

1

