

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 29 SEPTEMBER 2021 AT 12:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

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

A G E N D A

1 **NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 **DECLARATIONS OF INTERESTS**

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

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

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4 **LICENSING ACT 2003 PREMISES LICENCE – VARIATION HOP GARDEN, 19 METCHLEY LANE, HARBORNE, BIRMINGHAM, B17 0HT**

Report of the Interim Assistant Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 12:00pm.

5 **OTHER URGENT BUSINESS**

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

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 29th September 2021
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	Hop Garden, 19 Metchley Lane, Harborne, Birmingham, B17 0HT
Ward affected:	Harborne
Contact Officer:	Bhupinder Nandhra, Senior Licensing Officer, 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 plan.

The application seeks to make the following amendments to the plan:

- To licence the external area in order to permit a bar to be placed within the garden area.

The terminal hour for use of the bar in the external area shall be 22:30hours (Monday to Sunday).

The application also seeks to remove the following condition from the premises licence:

- "The licensee will ensure that text and/or radio pagers, where already used will continue to be used on the premises during the hours of operation."
- "The licensee will ensure that there will be no promotions that encourage illegal, irresponsible or immoderate consumption of alcohol."
- "The licensee will extend existing policies to cover the increase in hours of operation".
- "The licensee will promote the protection of children from harm through an approach to managing the risk of under-age drinking." This is to be replaced with the following condition "The premises will adopt a Challenge 21 policy and any person wishing to purchase alcohol who appears to be under 21 shall be asked to produce an acceptable form of identification such as photo-card driving licence, international passport, a PASS hologrammed/ultraviolet feature card, Military ID card or Biometric Residence Permit."

The applicant is not seeking to vary the licensable times under the scope of this application.

2. Recommendation:

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

3. Brief Summary of Report:

Variation application received on 10th August 2021 in respect of Hop Garden, 19 Metchley Lane, Harborne, Birmingham, B17 0HT.

Representations have been received 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.

5. Relevant background/chronology of key events:

Micthells & Butlers Leisure Retail Limited applied on 10th August 2021 to vary the Premises Licence for Hop Garden, 19 Metchley Lane, Harborne, Birmingham, B17 0HT.

Representations have been received from other persons, which are attached at Appendices 1 and 2.

The application is attached at Appendix 3.

Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 4.

The current premises licence is attached at Appendix 5.

Site Location Plans at Appendix 6.

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 representations as detailed in Appendices 1 and 2
Application Form, Appendix 3
Agreed conditions with West Midlands Police, Appendix 4
Current Premises Licence, Appendix 5
Site Location Plans, Appendix 6

7. Options available

To grant the variation application
To refuse the whole or part of the application
To modify the conditions of the Licence

From:

Sent: 06 September 2021 15:57

To: Licensing

Subject: Notice of application to vary a Premises Licence - Hop Garden, Metchley Lane, Harborne

General Licensing
Birmingham City Council
PO Box 17831
Birmingham
B2 2HJ

6 September 2021

I wish to object to the proposed plans **“to vary the layout of the premises of the Hop Garden pub, 19 Metchley Lane, Harborne, B17 0HT to include the garden area within the licensed area so that the premises can operate an external bar”**. My wife and I live in one of the houses adjacent to the Hop Garden and the level of outdoor noise from the pub’s garden has become extremely intrusive and is disrupting our lives.

The Hop Garden is a small pub in a residential area of Harborne with a garden that runs parallel to neighbouring gardens, including our house. For the last 18 months the pub’s garden area has been completely enclosed in a large canvas tent, so that the Hop Garden is now much bigger but almost entirely outdoors. This has resulted in a significant increase in the noise level from the Hop Garden, which is intrusive for neighbouring homes. This has been particularly stressful because the Hop Garden runs live music events in its garden involving extremely loud amplified bands. When these events are running it is impossible to spend any time in our garden. Even indoors with all the windows closed and TV on, the dominant noise is from the Hop Garden’s live music. The manager of the Hop Garden is aware of the pub’s noise intrusion and circulated a letter to neighbouring homes which stated that he would *“..inform my neighbours of any future garden events that could result in raised noise levels i.e. live music, so that you can plan for it”*. In other words, to avoid any noise from the Hop Garden neighbours should think about leaving the area. This is totally wrong. Nobody should be forced to leave their homes because of noise from a pub beer garden.

The Hop Garden now operates almost all of its business in a standard garden in a residential area, resulting in a big increase in outdoor noise within our neighbourhood. Expanding the licensed area to include the garden area would result in a year-round external bar within the garden area. This would further increase the already high noise levels from the pub, and further intrude on the lives of people in neighbouring homes.

Yours sincerely

Metchley Lane
Birmingham
B17

Metchly Lane
Harborne
Birmingham
B17

General Licensing
Birmingham City Council
PO Box 17831
B2 2HU

SENT BY EMAIL ONLY TO: licensing

7 September 2021

Dear Sirs,

Re: Licence Application to vary the layout of the premises of the Hop Garden Pub, 19 Metchley Lane, Harborne, B17 OHT to include the garden area within the licenced area so that the premises can operate an external bar ("the Application")

I am writing to raise the following concerns regarding the Application:

- **The prevention of crime and disorder** – We live in close proximity to the Hop Garden Pub and since the refurbishment of the beer garden and introduction of a side entrance on Alma Passage we have noticed individuals drinking alcohol on Metchley Lane and Alma Passage. We are also now finding discarded alcohol containers, bottles, glasses and broken glass near our house and around Metchley Lane and Alma Passage. We believe that this is likely to continue/increase should the Application be granted.
- **Protection of children** – We have two small children and, due to the close proximity of our garden to the Hop Garden, we believe that the increase in noise from Hop Garden's beer garden (which is likely to occur should the Application be granted) will have an adverse impact on their ability to enjoy our outside space.
- **The prevention of public nuisance** – As stated above, we believe that granting the Application will result in an increase in noise both for ourselves and the other residential properties that adjoin the Hop Garden. We also believe that there could be an increase in individuals smoking and drinking alcohol outside the pub (particularly in Alma Passage) and an associated increase in discarded alcohol containers and broken glass on the public pathways that surround the Hop Garden.
- **The promotion of public safety** - As stated above, because we believe that granting the Application could result in an increase in individuals drinking alcohol outside the pub and an associated increase in discarded alcohol containers and broken glass on the public pathways that surround the Hop Garden, we believe that granting the application could have an impact on the promotion of public safety.

We understand, particularly following the impact of the recent Covid 19 restrictions, that there is a need for local businesses to make changes to help them develop and thrive and we are very much supportive of the Hop Garden taking steps to do this. We would therefore welcome collaborative discussions between ourselves, other local residents and the owners of the Hop Garden to work out a way forward which would allow them to expand in a way that recognises our concerns and also minimises the impact to local residents and the public.

Your faithfully



Birmingham
Application to vary a premises licence
Licensing Act 2003

For help contact
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	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="P35293-1868/STA"/>	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?	<input checked="" type="radio"/> Yes <input type="radio"/> 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	<input type="text" value="Mitchells & Butlers Leisure Retail Limited"/>	
* Family name	<input type="text" value="Mitchells & Butlers Leisure Retail Limited"/>	
* 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 the applicant would prefer not to be contacted by telephone		

Is the applicant:

- Applying as a business or organisation, including as a sole trader 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.
- Applying as an individual

Applicant Business

Is the applicant's business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	<input type="text" value="01001181"/>	
Business name	<input type="text" value="Mitchells & Butlers Leisure Retail Limited"/>	If the applicant's business is registered, use its registered name.
VAT number	<input type="text" value="GB"/> <input type="text" value="Not known"/>	Put "none" if the applicant is not registered for VAT.
Legal status	<input type="text" value="Private Limited Company"/>	

Continued from previous page...

Applicant's position in the business	<input type="text" value="Premises Licence Holder"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the applicant's headquarters are.
Registered Address		Address registered with Companies House.
Building number or name	<input type="text" value="27"/>	
Street	<input type="text" value="Fleet Street"/>	
District	<input type="text"/>	
City or town	<input type="text" value="Birmingham"/>	
County or administrative area	<input type="text"/>	
Postcode	<input type="text" value="B3 1JP"/>	
Country	<input type="text" value="United Kingdom"/>	
Agent Details		
* First name	<input type="text" value="Sarah"/>	
* Family name	<input type="text" value="Taylor"/>	
* 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:		
<input checked="" type="radio"/> An agent that is a business or organisation, including a sole trader		A sole trader is a business owned by one person without any special legal structure.
<input type="radio"/> A private individual acting as an agent		
Agent Business		
Is your business registered in the UK with Companies House?	<input type="radio"/> Yes <input checked="" type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Is your business registered outside the UK?	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Business name	<input type="text" value="Popleston Allen Solicitors"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="GB"/> <input type="text" value="610752862"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Partnership"/>	

Continued from previous page...

Your position in the business	<input type="text" value="Partner"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
Agent Business Address		
Building number or name	<input type="text" value="37"/>	If you have one, this should be your official address - that is an address required of you by law for receiving communications.
Street	<input type="text" value="Stoney Street"/>	
District	<input type="text" value="The Lace Market"/>	
City or town	<input type="text" value="Nottingham"/>	
County or administrative area	<input type="text"/>	
Postcode	<input type="text" value="NG1 1LS"/>	
Country	<input type="text" value="United Kingdom"/>	

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APPLICATION DETAILS

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

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

* Premises Licence Number

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="Hop Garden"/>
Street	<input type="text" value="19 Metchley Lane"/>
District	<input type="text" value="Harborne"/>
City or town	<input type="text" value="Birmingham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B17 0HT"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

10,300

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VARIATION

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.

The proposed variation is to:

1. Amend the layout of the premises in accordance with the plans submitted by the Applicant. The changes to the plans consist of licensing the external area in order to permit a bar to be placed within the garden area.
2. To add a condition to the premises licence which reads "The terminal hour for use of the bar in the external area shall be 22:30 hours Monday to Sunday"
3. To remove the condition under Section 2(b) of Annex 2 which read: "The Licensee will ensure that texts and/or radio pagers, where already used will continue to be used on the Premises during the hours of operation." This condition is now outdated and therefore should be removed.
4. To remove the condition which reads: "The Licensee will ensure that there will be no promotions that encourage illegal, irresponsible or immoderate consumption of alcohol." This condition is now covered by the mandatory conditions and therefore it should be removed.
5. To remove the condition which reads: "The Licensee will extend existing policies to cover the increase in hours of operation". This condition should be removed as it is narrative relating to a previous application.
6. To remove the condition which states: "The Licensee will promote the protection of children from harm through an approach to managing risk of underage drinking" and to replace this with the following wording:

"The premises will adopt a "Challenge 21" policy and any person wishing to purchase alcohol who appears to be under 21 shall be asked to produce an acceptable form of identification such as photo-card driving licence, international passport, a PASS hologrammed/ultraviolet feature card, Military ID card or Biometric Residence Permit."

Continued from previous page...

All other licensable activities and timings are to remain as existing.

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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

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

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

- Yes No

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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

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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

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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

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<i>Continued from previous page...</i>
PROVISION OF PERFORMANCES OF DANCE
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide performances of dance be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 11 of 18
PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE
<p>See guidance on regulated entertainment</p> <p>Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 12 of 18
PROVISION OF LATE NIGHT REFRESHMENT
<p>Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 13 of 18
SUPPLY OF ALCOHOL
<p>Will the schedule to supply alcohol be subject to change if this application to vary is successful?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
Section 14 of 18
ADULT ENTERTAINMENT
<p>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.</p> <p>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.</p> <p>Not applicable.</p>
Section 15 of 18
HOURS PREMISES ARE OPEN TO THE PUBLIC
Standard Days And Timings

Continued from previous page...

MONDAY

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.

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

State any seasonal variations.

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

No changes - to remain as per the existing licence.

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.

No changes - to remain as per the existing licence.

Continued from previous page...

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

1. To remove the condition under Section 2(b) of Annex 2 which read: "The Licensee will ensure that texts and/or radio pagers, where already used will continue to be used on the Premises during the hours of operation." This condition is now outdated and therefore should be removed.
2. To remove the condition which reads: "The Licensee will ensure that there will be no promotions that encourage illegal, irresponsible or immoderate consumption of alcohol." This condition is now covered by the mandatory conditions and therefore it should be removed.
3. To remove the condition which reads: "The Licensee will extend existing policies to cover the increase in hours of operation". This condition should be removed as it is narrative relating to a previous application.
4. The current age verification condition is to be removed and replaced with the condition set out in the operating schedule.

- 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.

Not applicable - The premises licence shall follow via first class post and an electronic copy has been submitted with this application.

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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.

The Applicant is seeking to license the external area of the premises to add the facility for an external bar. The Applicant has removed the existing age verification condition and added a more robust Challenge 21 related condition along with a terminal hour for use of the external bar of 22:30. All other measures on the premises licence, aside from those the applicant is seeking to remove, will remain in place in order to promote the licensing objectives.

b) The prevention of crime and disorder

1. The terminal hour for use of the bar in the external area shall be 22:30 hours Monday to Sunday.

c) Public safety

See box (a)

d) The prevention of public nuisance

Continued from previous page...

See box (a)

e) The protection of children from harm

1. The premises will adopt a "Challenge 21" policy and any person wishing to purchase alcohol who appears to be under 21 shall be asked to produce an acceptable form of identification such as photo-card driving licence, international passport, a PASS hologrammed/ultraviolet feature card, Military ID card or Biometric Residence Permit.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- 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.

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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

Sarah Taylor

* Capacity

Partner

* Date

10 / 08 / 2021

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: Mark Swallow <
Sent: 23 August 2021 14:10
To: 'Sarah Taylor'
Cc: Licensing
Subject: Variation The Hop Garden, Metchley Lane, Harborne, Birmingham.

Good Afternoon Licensing,

With regard to the premises license application for The Hop Garden, Metchley Lane, Harborne. . West Midlands Police have reviewed this application and are happy that if the below conditions are added to the licence, together with the operating conditions already offered by the applicant then the licensing objectives will be met and promoted. The conditions have been agreed with the applicant as per below email chain who is also is copied to this email.

If the below conditions are imposed onto the licence then West Midlands Police have no objection to this licence application.

Regards and thanks,
MARK SWALLOW
WEST MIDLANDS POLICE BIRMINGHAM CENTRAL LICENSING TEAM.

From: Sarah Taylor
Sent: 23 August 2021 10:20
To: Mark Swallow
Subject: RE: [External]: RE: Variation The Hop Garden, Metchley Lane, Harborne, Birmingham.

Hi Mark

No worries, those conditions can be agreed.

Kind regards

Sarah

SarahTaylor|Partner
Popleston Allen

From: Mark Swallow
Sent: 20 August 2021 15:40
To: Sarah Taylor
Subject: RE: [External]: RE: Variation The Hop Garden, Metchley Lane, Harborne, Birmingham.

Sarah,

Thank-you for getting back so quickly. Would your client be happy with the below:

1. No music will be played outside after 2100 hours each day,
2. The premises cctv system will cover the garden area of the premises whilst the premises is open,

Mark Swallow.
West Midlands Police
Birmingham Licensing Team.

LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

1671 / 3

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Hop Garden 19 Metchley Lane Harborne	
Post town:	Post Code:
Birmingham	B17 0HT
Telephone Number:	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence	
B	Films
C	Indoor sporting events
F	Recorded music
L	Late night refreshment
M3	Sale of alcohol by retail (both on & off the premises)

The times the licence authorises the carrying out of licensable activities			
Monday - Sunday	00:00	-	23:59 F
	10:00	-	00:00 B ,C ,M3
	23:00	-	00:00 L
An additional 2 hours St Patrick's Day, May Bank Holiday Sunday, Whitsun Bank Holiday Sunday, August Bank Holiday Sunday, Halloween, Xmas Eve, Boxing Day, 27th Dec, 28th Dec & 30th Dec	10:00	-	02:00 B ,C ,M3
	23:00	-	02:00 L
An additional hour 1st January, St David's Day, Easter Sunday, Easter Bank Holiday Monday, May Day Bank Holiday Monday, Whitsun Bank Holiday Monday & August Bank Holiday Monday	10:00	-	01:00 B ,C ,M3
On New Year's Eve from the end of permitted hours through to the commencement of permitted hours the following day	23:00	-	01:00 L
	B, C, L,		M3

In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours on the premises licence, to permit the activity commencing 1hour before the start of the event & ending 1hour after the end of the event. Details of the activity to be notified to the police 21days beforehand. The event will not proceed if the police serve, 7 days prior to the event, written notification upon the DPS. The event will not proceed after the 7day period if the police have intelligence that disorder is likely to occur and they notify the DPS.

The opening hours of the premises

Monday - Sunday	10:00	-	00:30
An additional 2hours St Patrick's Day, May Bank Holiday Sunday, Whitsun Bank Holiday Sunday, August Bank Holiday Sunday, Halloween, Xmas Eve, Boxing Day, 27th Dec, 28th Dec & 30th Dec	10:00	-	02:30

An additional hour 1st January, St David's Day, Easter Sunday, Easter Bank Holiday Monday, May Day Bank Holiday Monday, Whitsun Bank Holiday Monday & August Bank Holiday Monday	10:00	-	01:30
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On New Year's Eve from the end of permitted hours through to the commencement of permitted hours the following day

In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours on the premises licence, to permit the activity commencing 1hour before the start of the event & ending 1hour after the end of the event. Details of the activity to be notified to the police 21days beforehand. The event will not proceed if the police serve, 7 days prior to the event, written notification upon the DPS. The event will not proceed after the 7day period if the police have intelligence that disorder is likely to occur and they notify the DPS.

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

On and Off Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mitchells and Butlers Leisure Retail Limited 27 Fleet Street	
Post town: Birmingham	Post Code: B3 1JP
Telephone Number:	
Email	

Registered number of holder for example company number or charity number (where applicable) 01001181
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Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Brendon Daly	
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 163	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 02/05/2014

Carolyn Bennett
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.

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.

Embedded Restriction

On New Year’s Eve from the end of permitted hours on New Year’s Eve to the start of permitted hours on the following day.

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Regulated entertainment is permitted to take place inside the premises only.

The licensee will ensure that staff are trained in the standards required by the relevant legislation and as required by company policy.

The voluntary closure policy for the operation of these premises is 30 minutes after the approved closure time for the supply of alcohol.

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

The licensee will ensure that text and/or radio pagers, where already used will continue to be used on the premises during the hours of operation.

Existing CCTV system will continue to operate during the hours of operation.

The licensee will ensure that there will be no promotions that encourage illegal, irresponsible or immoderate consumption of alcohol.

The pub manager is required to actively participate in and support the local Pubwatch scheme (where active).

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

The licensee will extend existing policies to cover the increase in hours of operation.

The licensee will ensure internal health and safety due diligence and incident reporting system will continue to operate during the additional times.

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

The licensee must where necessary implement reasonable steps to recognise the rights of local residents and encourage customers to leave the premises quietly.

The manager is required to liaise with local neighbours as part of their duties and resolve any reasonable concerns.

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

The licensee will promote the protection of children from harm through a commitment to health and safety in the operation and maintenance of the premises.

The licensee will promote the protection of children from harm through an approach to managing the risk of under-age drinking.

Staff are not allowed to be in sole supervision of children.

No adult entertainment is permitted at 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

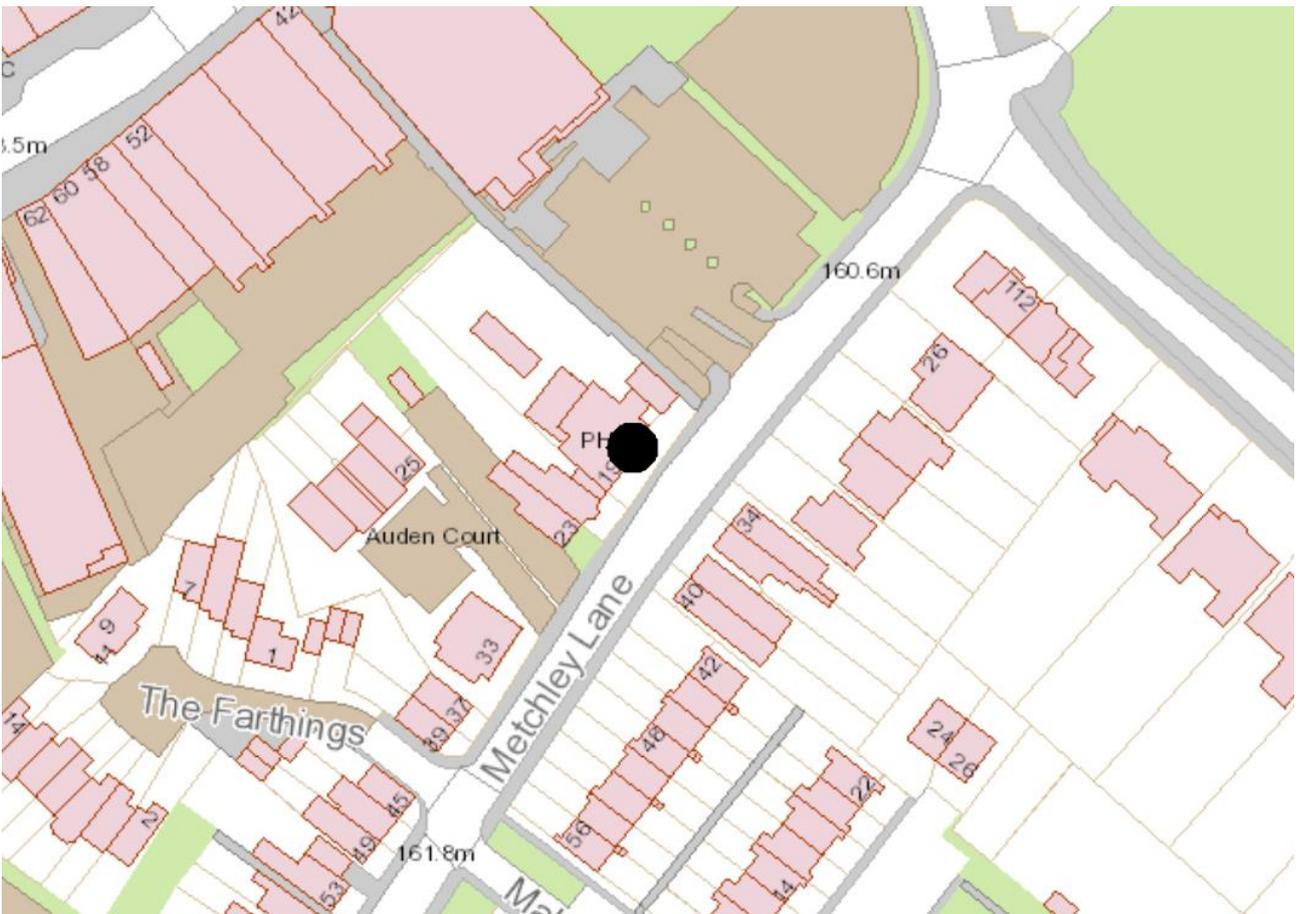
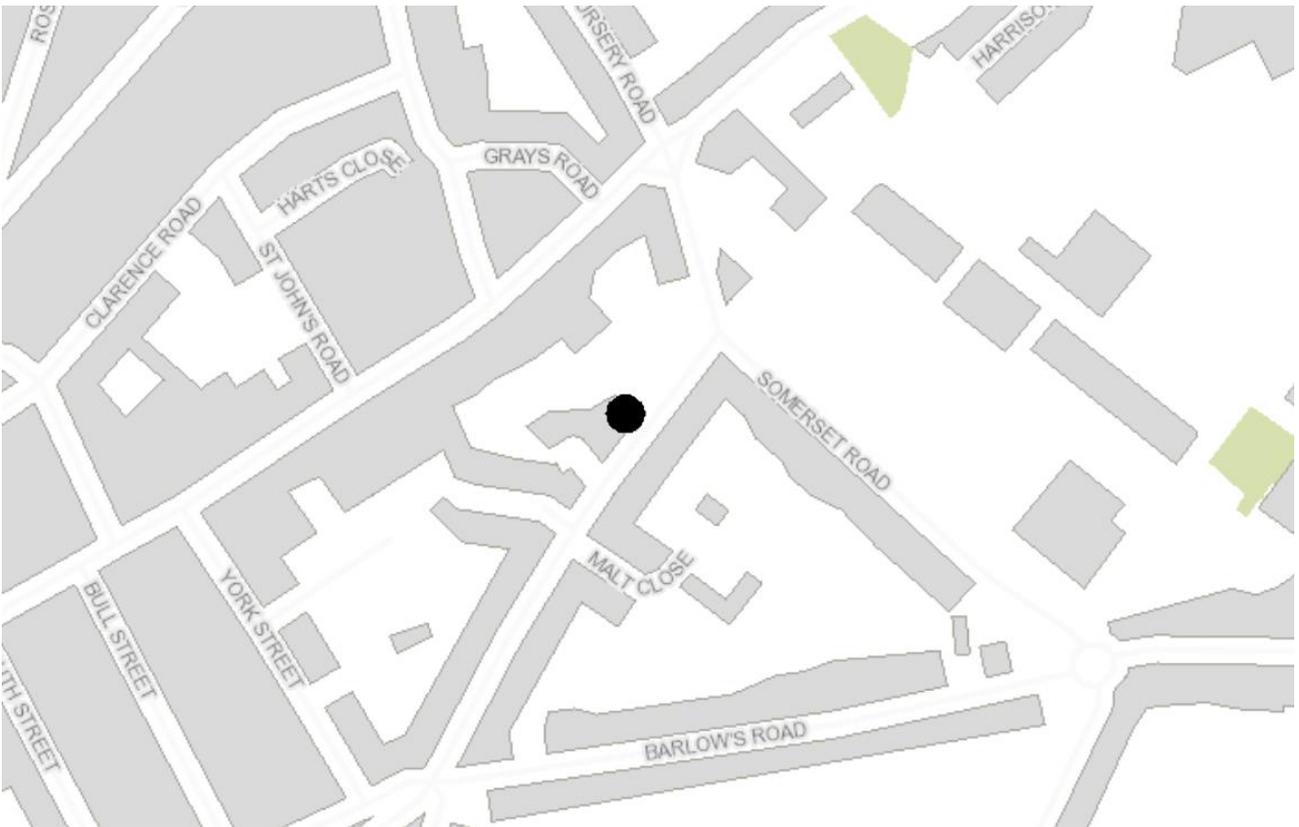
N/A

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



Good morning

Thank you very much for taking the time to meet with Brendon and I yesterday.

As discussed, I have attached an external area management and dispersal policy which I hope will address the concerns raised during our meeting.

In addition to this, I propose to offer the following conditions which would be imposed upon the premises licence if the application were granted:

- The premises will implement an external area management and dispersal policy;
- The management of the premises will ensure that a dedicated contact number is available for residents of Metchley Lane to report any issues of noise or disturbance.
- There will be no live music in the external areas of the premises after 7:30pm;
- When live music is taking place in the external area of the premises, staff will undertake regular checks around the perimeter of the premises to assess the levels of noise and ensure that no disturbance is caused to local residents.

I have set out below the additional conditions already agreed with the Police and Environmental Health and these will hopefully provide some extra reassurance regarding the use of the external areas:

Conditions already agreed with the Police:

1. No music will be played outside after 2100 hours each day;
2. The premises cctv system will cover the garden area of the premises whilst the premises is open.

Conditions already agreed with Environmental Health:

1. The exterior bar shall operate no later than 22:30 hours Monday to Sunday
2. All deliveries will be received between 06:00 and 18:00.
3. After 23:00 all doors shall be kept closed except for the purpose of access/egress during the performance of regulated entertainment.
4. After 23:00 all windows shall be kept closed.
5. 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.
6. Any music taking place in internal or external areas of the premises shall not be at such a level to cause a detriment to the residential amenity around the premises.

I would be grateful if you could please consider the attached policy and the conditions offered and confirm whether this is sufficient to address your concerns or if there is anything further you may wish to discuss. I am happy to speak on the phone, via email or via Zoom/Microsoft Teams if there are any further concerns.

If you are happy to accept the proposed conditions and the attached policy, I should be grateful if you could please confirm this to the Licensing Authority (cc'd into this email) and confirm that your representation can be withdrawn upon that basis.

Kind regards

Sarah

Hop Garden, Metchley Lane

External Area Management and Dispersal Policy

Introduction

The management of the Hop Garden are committed to trading in a way that causes as little disruption or disturbance to local residents as possible.

All management and staff will be made aware of the terms of this policy and the importance of effecting effective management of the external area and as quiet a dispersal at the end of each evening's trading as possible.

There are a number of conditions on the premises licence which are designed to assist with this and again management and staff will be familiar with these.

The principal aim will be to ensure that the external area is managed effectively and that at the end of trade, customers are moved away from the premises and encouraged to disperse quickly and quietly away from the premises, respecting the rights of local residents.

Management of the external area

Staff will make regular checks of the external areas to ensure that any noise emanating from the area is not excessive or likely to cause disturbance to local residents.

When music is being played in the garden, staff will also make regular checks at the front of the premises to assess the level of noise from music in order to ensure that residents are not disturbed.

The exit from the beer garden onto Alma Passage already ensures that customers are dispersed away from the majority of residential properties where possible. Staff will undertake checks of Alma Passage at the start of trade, during the evening's trade and at the end of the trading period to ensure that any litter associated with the premises is cleared.

There will be a maximum of 8 live music events in the beer garden, per year.

End of Evening Operational Policies

Where appropriate the premises will use volume levels, type of music and variation of lighting levels and advice to encourage the gradual dispersal of customers during the latter part of trading.

Management and staff will encourage customers to leave gradually and as quietly as possible.

Notices will be displayed at exits requesting customers are mindful of local residents and leave the area as quickly as possible.

Contact with management

The management of the premises will ensure that a dedicated contact number is available to residents living within the neighbouring properties to the Hop Garden. This will ensure that

residents have a dedicated point of contact at all times the premises is trading and, in particular, this will allow residents to contact the management team when the external area is being used for by customers and when music is taking place in the external area.