

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 26 FEBRUARY 2024 AT 10:00 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 Public-I microsite ([please click this link](#)) 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 they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

4 - 37

4 **MINUTES**

To confirm and sign the Minutes of the meeting held on 8 January 2024 at 1000 hours.

To confirm and sign the Minutes of the meeting held on 9 January 2024 at 1000 hours.

To confirm and sign the Minutes of the meeting held on 15 January 2024 at 1000 hours.

To confirm and sign the Minutes of the meeting held on 15 January 2024 at 1200 hours.

To note the public part of the Minutes of the meeting held on 22 January 2024 at 1000 hours and to confirm and sign the Minutes as a whole.

38 - 70

5 **LICENSING ACT 2003 PREMISES LICENCE – GRANT VIP, 90 – 96
HOSPITAL STREET, HOCKLEY, BIRMINGHAM, B19 3QP**

Report of the Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am.

6 **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.

7 **EXCLUSION OF THE PUBLIC**

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

Exempt Paragraph 3

PRIVATE AGENDA

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 22 January 2024 at 1000 hours and to confirm and sign the Minutes as a whole.

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

To consider any items of business by reason of special circumstances (to

be specified) that in the opinion of the Chair are matters of urgency.

BIRMINGHAM CITY COUNCIL

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| LICENSING SUB-COMMITTEE A 8 JANUARY 2024 |
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 8 JANUARY 2024 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Mary Locke and Penny Wagg.

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/080124 **NOTICE OF RECORDING/WEBCAST**

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2/080124 **DECLARATION OF INTERESTS**

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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/080124 Apologies were submitted on behalf of Councillor Simon Morrall and Councillor Penny Wagg was the nominated substitute Member.

**LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW –
ACAPELLA (FORMERLY TRADING AS FREDERICK’S), REGENT HOUSE,
FREDERICK STREET, BIRMINGHAM, B1 3HR.**

On Behalf of the Applicant

Mark Swallow – WMP (West Midlands Police)

On Behalf of The Premises Licence Holder

Duncan Craig - Barrister

* * *

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. David Kennedy Licensing Section, outlined the report.

At this stage the chair invited the applicant to make their presentation and Mark Swallow, on behalf of WMP made the following points: -

- a) At approximately 0300 hours on Sunday 10 December 2023 the premises was open and trading with patrons inside.
- b) An incident occurred where a handgun was produced and discharged inside the premises. A person received a gun shot wound to the leg, patrons left a short time later.
- c) The premises did not contact WMP.
- d) WMP submitted an expedited review which was heard on 12 December 2023 and the Committee resolved to suspend the licence and remove the DPS (Designated Premises Supervisor).
- e) On 29 December 2023 the PLH appealed the decision and resulted in the interim steps being lifted and modified with agreed conditions and revised hours.
- f) The premises had been operating under those times and conditions since that hearing with no issues.

- g) WMP requested that those conditions and times be adopted as the final summary order.
- h) The other issue was that the Committee agreed that the PLH be reinstated as DPS until this hearing where it would be reconsidered. The alternative DPS was still awaiting their personal licence at the previous hearing, however she had not completed her course and applied to Worcester City Council which could take some time. The alternative DPS would also need to apply to BCC to be appointed as DPS; WMP had carried out their checks and had no objection to that application.
- i) He requested that the Committee used a pragmatic approach and reappointed Mr Ozdemir as the DPS until the alternative DPS was approved.

The Members asked Mark Swallow (WMP) how long it would take for the DPS application to be approved. WMP advised that he was unable to give a time frame, but it usually took a few weeks.

The Chair then invited the PLH/representative to make their case and Duncan Craig, Counsel on behalf of the PLH made the following points: -

- a) That the new DPS had her personal licence certificate and the DPS application was already in progress and would be submitted today.
- b) That he had a good working relationship with Worcester City Council so he would chase the application with them, and request that it be fast tracked.
- c) His client was not aware of a firearm being discharged in the premises, which is why no call was made to WMP.
- d) There was a suggestion that the blood at the scene was cleared up, that was incorrect.
- e) The PLH had cooperated with WMP throughout their investigations.
- f) They had reached an agreed position with WMP and requested that the Committee adopted that position.

Members asked questions and Mr Ozdemir gave the following responses: -

- a) That the staff inside the premises had closed the premises and stopped the music, they were escorting people outside and when they heard two 'bangs' they assumed it was firework noise. People outside the premises then started running back inside and they were panicking. They did not call the police as they did not realise a gun was fired.
- b) The new proposed DPS already worked at the premises and they had a good relationship. She was not working on the night of the incident as she was ill.

The Chair then invited WMP to make a closing submission and Mark Swallow made the following closing statements: -

- That WMP had worked closely with WMP in an extremely difficult process, however they had put forward a pragmatic approach to deal with the issues.
- That the Committee put in place the steps from 29th December 2023 with the caveat in relation to the DPS as per original application.

Duncan Craig then made the following closing statements: -

- That he agreed with what WMP had said.
- They had an agreed position and asked the Committee to follow that.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision was announced at the meeting. A full written decision of the Sub-Committee was sent to all parties as follows;

4/080124

RESOLVED:-

That having reviewed the premises licence held under the Licensing Act 2003 by Seyhmus Ozdemir in respect of Acapella (formerly trading as Frederick's), Regent House, Frederick Street, Birmingham B1 3HR, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines:

1. That the conditions of the licence be permanently modified via the adoption of those conditions which were imposed at the Sub-Committee meeting of 29.12.23, these modified conditions to remain in place pending the determination of any Appeal
2. That the hours shall be reduced as per the agreed hours imposed at the Sub-Committee meeting of 29.12.23
3. The modified condition relating to 'Customer Control' (dealing with the lowering of music levels by a certain time, and cessation of the sale of alcohol by a certain time) shall reflect the reduced hours imposed at the Sub-Committee meeting of 29.12.23
4. That Mr Seyhmus Ozdemir be reinstated as designated premises supervisor

The Sub-Committee's reasons for imposing these agreed conditions are due to submissions made at the meeting by West Midlands Police in relation to the serious crime incident at the premises which had led to the application for expedited review. The Police explained the background to the matter, exactly as per the documents in the Committee Report.

The premises had reopened under the modified conditions imposed at the last hearing, and was now trading satisfactorily. The Police recommendation was therefore that the set of modified conditions and the revised timings should be adopted as the summary order.

The Police observed that a Personal Licence application was in progress for another person who had been suggested by the premises as a potential new designated premises supervisor; however, that process had not yet been completed. Counsel for the licence holder also remarked that the premises hoped that the Personal Licence application would soon be completed. The Sub-Committee noted this.

The Sub-Committee then heard from counsel regarding the serious crime incident. The licence holder had not been aware of a firearm being discharged at the material time; this was why nobody from the premises had called the Police. As soon as the licence holder was made aware of the incident, he had gone to the premises, and thereafter had assisted the Police fully in their inquiries.

Regarding the scene itself, there had been a previous suggestion that someone had perhaps tried to clear the scene up before the arrival of the Police; counsel confirmed that this was not in fact correct. The premises had been keen to cooperate properly – for example, CCTV footage had been released to the Police to assist the investigation.

Counsel asked the Sub-Committee to note that throughout the aftermath of the incident, the licence holder had been “as cooperative as he reasonably could be in the circumstances”, and that this had reassured the Police that the agreed position was the correct course to take - namely that those interim steps that were modified at the last meeting should be imposed as a permanent feature of the premises licence. The licence holder also agreed that the hours modification (imposed at the last meeting) should become a permanent change to the licence.

Counsel observed that the Police had confirmed that the licence holder had been cooperating satisfactorily, and that the premises was operating safely. Regarding practical steps, the premises had arranged for four bodyworn cameras to be available for use, and had been liaising with local taxi firms due to the concerns that the Police had expressed around dispersals.

All in all, counsel felt that the Sub-Committee should feel reassured that the premises had engaged with the process properly, and had worked together with the Police diligently, such that an agreed position had been reached. Regarding a potential change of designated premises supervisor, which had been discussed between the parties in recent weeks, counsel reminded the Sub-Committee that the licence holder would have a duty manager on the staff in any event, as per the licence conditions.

The licence holder then addressed Member questions directly to assure them that he had done his utmost to cooperate with the Police. When summing up, the Police agreed with the licence holder that this had indeed been the case. The Police added that it had been “a difficult process” for those at the premises, as it had been a “root and branch reform of the processes they have in place to ensure the licensing objectives are promoted”.

When deliberating, the Sub-Committee noted the efforts being made by the premises licence holder to cooperate with the Police and to implement all of their

recommendations. The Police had confirmed that the recent resumption of trading had not seen any further serious crime incident, or any risks to the licensing objectives generally. The agreed position between the parties was therefore based on the satisfactory trading which had been going on since the lifting of the suspension at the last meeting.

Both parties had agreed that the correct course was to adopt the modified conditions, and reduced hours, onto the licence, and to reinstate Mr Ozdemir as designated premises supervisor. The Sub-Committee agreed with this. The Sub-Committee considers the agreed conditions adopted to be appropriate, reasonable and proportionate to address concerns raised - in particular the likelihood of serious crime.

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

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under section 182 of the 2003 Act, the application and certificate issued by West Midlands Police under section 53A of the 2003 Act, the written representations, and the submissions made at the hearing by West Midlands Police, and by the premises licence holder via his counsel.

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

The determination of the Sub-Committee, save for the maintenance of the interim steps as modified at the Sub-Committee meeting of 29.12.23, does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is determined.

The meeting ended at 1122 hours.

CHAIR.....

BIRMINGHAM CITY COUNCIL

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| <p>LICENSING SUB-COMMITTEE A 9 JANUARY 2024</p> |
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON TUESDAY 9 JANUARY 2024 AT 0930 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Diane Donaldson and Penny Wagg.

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/090124 **NOTICE OF RECORDING/WEBCAST**

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2/090124 **DECLARATION OF INTERESTS**

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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/090124 Apologies were submitted on behalf of Councillors Mary Locke and Simon Morrall and Councillors Diane Donaldson and Penny Wagg were the nominated substitute Members.

LICENSING ACT 2003 – AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE - FURTHER REPRESENTATIONS BACK AGAINST INTERIM STEPS IMPOSED – PORTRAIT BAR, THE ARCADIAN, 20 HURST STREET, BIRMINGHAM, B5 4TD.

On Behalf of the Applicant

Sarah Clover – Barrister
Carl Moore – Agent
Raj Bahia – PLH (Premises Licence Holder)

On Behalf of West Midlands Police

Mark Swallow – WMP (West Midlands Police)

* * *

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. David Kennedy Licensing Section, outlined the report.

At this stage the chair invited the applicant to make their presentation and Sarah Clover on behalf of the PLH made the following points: -

- a) That they had reached an agreed position with WMP.
- b) The incident took place on 17/18th December, where there appeared to be a discharge of a firearm (they were still unsure of the exact details), someone was injured.
- c) It was a serious matter.
- d) The Interim Steps meeting was held on 19th December and the PLH appealed that decision on 22nd December. However, the police were not ready to sign off on the proposed conditions at that stage. They were not in agreement and conditions and an action plan had been agreed.
- e) The police were not seeking revocation at any stage throughout the process.

- f) There was a new DPS in situ and the police had vetted him and the premises could now open adopting the new regime.
- g) The full review hearing was a week away, and they hoped it would be brief as this meeting pre-empted that review hearing.
- h) It was a historical licence and had no conditions in place. Therefore, the licence needed updating.
- i) That the premises were working with Carl Moore, an experienced licensing consultant, who had a good working relationship with WMP.
- j) That the Committee had a copy of the proposed conditions, which included everything they would want to see.

The Members asked questions in relation to the Security and Operation Action Plan having the date of January 2023 and wanted clarity on whether the date was correct.

Carl Moore clarified it was a typing error and should read 2024.

The Chair then invited WMP to make their case and Mark Swallow made the following points: -

- a) That an incident occurred, and a firearm was discharged in the premises causing and injury to other persons.
- b) WMP submitted an Expedited Review in relation to that matter. On 19 December the Expedited Review hearing took place and the Committee resolved to suspend the licence and remove the DPS.
- c) On 22 December that decision was appealed by the PLH and WMP opposed that application and decision was maintained to uphold the interim steps.
- d) Since then WMP had worked with the premises and measures had been put in place to ensure the licensing objectives would be properly promoted and such an incident would not occur again.
- e) He requested that the Committee adopted those measures and replaced them with the interim steps that were put in place on 19 December 2023.

The Chair then invited WMP to make a closing submission and Mark Swallow made the following closing statements: -

- That he was grateful to all parties for their work during a difficult process. The problems had been identified and measures been put in place to stop issues occurring again.
- He commended the PLH/representatives.

Sarah Clover then made the following closing statements on behalf of the PLH: -

- That she had nothing further to add and was happy to hear what Mr Swallow had to say.
- That the proposed conditions would sort matters going forward.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision was announced at the meeting. A full written decision of the Sub-Committee was sent to all parties as follows;

4/090124

RESOLVED:-

That, having considered the representations made on behalf of DXR Limited, the premises licence holder of Portrait Bar, The Arcadian, 70 Hurst Street, Birmingham B5 4TD, in respect of the interim steps imposed on the 19th December 2023 and maintained on the 22nd December 2023, this Sub-Committee hereby determines that the interim steps are modified as follows:

- The interim step of suspension is lifted
- The interim step of removal of Mr Rajvir Singh Bahia as designated premises supervisor is lifted
- All those conditions agreed between West Midlands Police and the licence holder in advance of the meeting are adopted as interim steps pending the forthcoming full Summary Review hearing. Those agreed conditions are as follows:

**CRIME & DISORDER
DOOR SUPERVISORS**

1. The premises will deploy door staff when trading. Door staff will sign on and off duty.
2. The premise shall maintain staff profiles for all door staff working at the premises, and for any door staff that have worked on the premises in the last three months.
3. The door staff profile will consist of identification for the member of staff which shall include the following: a) A copy of his/her SIA Badge. b) Passport or driving licence. If the proof of identification is anything other than the photo driving licence, then the member of staff will need proof of address, which must be a utility bill and to be dated within the last three months.
4. Door staff will sign on and off duty. 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.
5. The numbers of door staff will be risk assessed by the premises. This risk assessment will be made

available to any of the responsible authorities immediately on request.

6. Door supervisors stationed outside the frontage of the premises will wear high visibility

jackets/coats and will have their SIA badge held in a clear arm sleeve holder.

Door supervisors inside

the premises will wear hi visibility waist coats, again with the SIA badge

positioned in a clear arm

sleeve holder in visible view to the public.

7. Door staff will remain on duty until all the customers have dispersed and this will form part of the

premises dispersal plan.

8. The following areas will be covered by a Door Supervisor wearing a Body

Cam. The search area

covering the knife arch and ID scanner. The area inside the premises. If there is an incident in the

premises, then management will ensure that one of the door supervisors with a body cam attends

the incident.

SEARCH POLICY

9. When a security team is deployed at the premises, they are under the control and supervision of a

manager from the premises.

10. The premises will operate a search policy which will be made available to responsible authorities

upon request.

11. From 9pm, Friday & Saturday, to also include all bank holidays and the days immediately

preceding and any other day when a medium/high event risk assessment is required, the search will

be conducted in a sterile area at the front of the premises. Each person entering the premises will be

subject to a full body search, metal detection search in the form of a knife arch with metal wand

detection as support as required.

12. Any person who has gone outside the premises and then wishes to re-enter, they will be subject

to the same search regime as when they initially entered.

DRUGS POLICY

13. The premises has an absolute "zero tolerance" in relation to Misuse of Drugs.

This fact will be

emphasised by signage at premises and within any promotional literature.

14. The premises will operate a drugs policy which will be made available to any of the responsible

authorities on request.

DISPERSAL

15. The premises will operate a dispersal policy which will be made available to any of the

responsible authorities on request.

ID SCAN

16. From 9pm, Friday & Saturday and any other day when a medium/high event risk assessment is

required, the licence holder shall maintain and operate an ID Scan to all persons entering the premises. This will include all bank holidays and the days immediately preceding.
17. The premises is to adopt and display a clear notice to the effect that there is a strict policy of NO ID, NO ENTRY.

INCIDENT BOOK

18. The premise must operate an incident book and record all incidents that occur inside and immediately outside the premises. Incident book can be inspected at any time upon request.
The incident book to be available for inspection by any regulatory body.

EVENTS

19. The premises will take details of persons booking the venue including the name, address telephone number of the person making the booking. Details are to be confirmed by photographic ID or in exceptional circumstances a utility bill no older than 3months old. Booking details are to be kept on the premises for a minimum of 28 days after the event and made available to West Midlands Police on request. A deposit is to be taken for all bookings. Additionally, the persons booking will be informed that it is subject to agreement to the deployment of door staff and the entry/ search policies of the venue.

20. Venue to provide 28 days' notice or less if agreed with WMP, for new events or new promoters to include co-promoters, who wishes to conduct a promotion at the premises. Premises also to provide a full risk assessment with the notification.

21. The condition of notification for events to the Police 28 days from the event is for events deemed to be Medium/High risk.

22. When the premises wish to hold an event as above, all recommendations made by the risk assessment to become conditions of the licence for that event.

23. The premises will supply to West Midlands Police Licensing Unit a standard operating risk assessment for internal events deemed as low risk.

24. The Premises has a last entry time of 01:30hrs.

The Sub-Committee noted that a Variation application regarding the designated premises supervisor had been submitted, nominating a Mr Bennett to become the designated premises supervisor with immediate effect.

The Sub-Committee carefully considered the further representations made by counsel for the premises licence holder. She reminded the Members that after the original Expedited Review meeting, there had been a further Sub-Committee meeting before Christmas (22nd December 2023), to see if the conditions being proposed could be agreed. The purpose of the attempt had been to try to

preserve the Christmas and New Year trade. However, the Police had not been ready to approve the conditions at that stage, although work had been ongoing.

Counsel confirmed that since then, partnership working between the consultant to the licence holder and the Police had continued, and the parties had reached a position where the conditions and the comprehensive action plan (both of which were in the Committee Report) were agreed, which would be sufficient to enable the premises to reopen. Counsel reminded the Sub-Committee that it had been the Police position throughout that there was no particular intention to seek permanent revocation of the licence.

Counsel drew the attention of the Members to the valuable partnership working that been carried out by the consultant to the licence holder and the Police which had ensured that a suitable way forward had been reached. The Sub-Committee noted this.

The Sub-Committee then heard from West Midlands Police, who confirmed that they had worked with the premises to identify the issues that led to the incident. Thereafter, measures had been put in place. These had been designed to ensure that the licensing objectives could be promoted, and so that the risk of any further serious crime incident would not occur again.

The new measures included the complete overhaul of the premises' procedure for booking events, and the search regime at the premises. Accordingly, the Police were satisfied that the suite of conditions was suitable to replace the interim steps currently in place. The Police recommended the new measures as "a proportionate and effective response to the issues that were identified", and asked that the Sub-Committee adopt them pending the final Summary Review hearing.

When deliberating, the Sub Committee gave consideration as to whether there had been a material change in circumstances since the Sub-Committee made its original determination, and gave consideration as to whether to withdraw or modify the interim steps imposed.

The Members concluded that the risks of any further serious crime incident had been satisfactorily addressed by the licence holder and Police, who had worked together in recent weeks to devise a proper way forward, such that the premises could resume trading without risk of a further serious crime incident.

The Sub-Committee therefore lifted the interim steps which had been imposed on 19th December, and adopted the agreed conditions, pending the full Summary Review hearing.

In reaching this decision, the Sub-Committee has given due consideration to the guidance issued by the Home Office, the certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, the application for review, the documents submitted and the submissions made at the meeting.

All parties are advised that there is no right of appeal to a magistrates' court against the decision of the Licensing Authority at this stage.

The meeting ended at 1014 hours.

CHAIR.....

BIRMINGHAM CITY COUNCIL

**LICENSING
SUB-COMMITTEE,
MONDAY 15 JANUARY,
2024**

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD
ON MONDAY, 15 JANUARY, 2024 AT 1000 HOURS AS AN ON-LINE
MEETING.**

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Diane Donaldson and Mary Locke

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Andrew Evans – Solicitor representing BCC
Louisa Nisbett - Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/150124 **NOTICE OF RECORDING/WEBCAST**

The Chairman advised, and the Committee noted, that this meeting would 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.

2/150124 **DECLARATION OF INTERESTS**

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There were no interests declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/150124 An apology was submitted on behalf of Councillor Simon Morrall. Councillor Diane Donaldson was the nominee Member.

**LICENSING ACT 2003 PREMISES LICENCE – REVIEW JEWELS LOUNGE,
UNIT 2, 19 – 23 PITSFORD STREET, LADYWOOD, BIRMINGHAM, B18 6LJ**

4/150124 The following report of the Director of Regulation and Enforcement was submitted:-

(See document no. 1)

On Behalf of the Applicant

Ben Reader, West Midlands Police
Shaid X Ali, Enforcement BCC
Martin Keys, Environmental Services
Ben Ross, Witness

On behalf of the premises licence holder

Duncan Craig, Solicitor
Filmon Abraham, Premises Licence Holder

The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

There being no points to consider the main points of the report were outlined by Bhapinder Nandra, Licensing Section.

In making representations Martin Keys, Environmental Services made the following points with regards to the application and in response to questions from Members:-

1. He had 3 short videos to play which were less than 30 seconds each and will be calling as a witness, a local resident, Ben Ross.
2. The licence had been transferred on the 14 July 2022 to Mr Abraham with limited conditions however there were no conditions in respect of noise.
3. Premises with an alcohol licence were permitted to have live and recorded music for up to 500 people between the hours of 0800 and 2300 hours.
4. The area was historically a commercial area but over the last 10 years had been subject to significant regeneration, with residential led schemes. There was a mixture of one, two and three bed build to rent properties totalling 395 units on the Goodyard development.
5. The area was relatively quiet however complaints about noise started in August 2022 relating largely to music events on Sunday evenings. Further complaints had been received in January 2023 and the complainants had logged regular late night activity beyond 2300 hours every Sunday.
6. Officers had visited and witnessed the nuisance in April late at night, the visit had been followed by a meeting with the premises.
7. The area where the music was played was an external area with the upper walls made out of plastic sheeting.
8. A noise abatement notice had been served on the limited company and the directors, one of them being Mr Abraham. Further visits had been carried out and on the 15th of July at 2330 dance music was clearly audible on the street in a breach of the notice. The number of complaints had increased and a number of additional visits resulted in a further letter on the 19th of September and meeting with one of the managers who claimed they no longer played music in the evening however according to the complaints received including one on the Sunday after the meeting, this was not the case. They were advised of the breach also that we would be seeking a licence review.
9. When we attended to carry out the warrant by the Magistrates Court on the 5 of December with the police we were not able to gain access owing to shared access of the roller shutter.
10. Three statements from residents were attached and Ben Ross was present to explain the impact on himself. The three short videos from Martin Keys were unable to be viewed owing to a technical error.

Ben Ross, a resident gave evidence and reported as follows:-

1. Music was played on Saturdays and without question every Sunday night concluding at approximately 1230 and maybe later on some occasions. This was followed by shouting, cars beeping and clattering from cleaning. It is indescribable how this has impacted him personally. His partner was doing a master's degree at university. They both start Mondays fatigued, irritated and frustrated having had about four or five hours of sleep and having been subjected to extreme loud music until the early hours of the morning,
2. Last night had been probably one of the loudest nights that they had been subjected to and he had only 4 hours sleep. At this rate they will be moving out at the end of their tenancy if not before.
3. Martin Keys continued there had been a complete disregard for the noise abatement notice. They had no confidence in the management of the premises and suggested that the licence be revoked.

Ben Reader, WMP reported as follows:-

1. He commended Martin on his detailed presentation and efforts to engage and encourage the premises to do the right thing.
2. The enforcement work had been ignored by the licence holder giving WMP a complete lack of confidence in ability of the premises to operate in the correct way and to promote the licence objectives.
3. It was unusual for a resident to be prepared to speak up against a premises and he gave evidence that last night was particularly bad showing a complete lack of respect for the process and shows that if there were any conditions applied to the licence they would not be complied with.
4. He suggested that the premises licence should be revoked.

Shaïd X Ali, Enforcement BCC made the following point:-

1. The abatement notice did not appear to have caused the desired effect and he had little confidence in the management style of the premises.
2. The premises had been warned a number of times so from a licensing enforcement point of view he had no confidence that they could manage the premises as required by the licence. He recommended that the licence be revoked.

Duncan Craig spoke on behalf of the licence holder as follows:-

1. He had been instructed to act on behalf of the premises at short notice so his ability to engage with this process was limited.
2. One of the issues with his clients was a lack of understanding on their part as to the framework of the licence. He felt the existence of the Live Music

act had confused them and he had spoken to them and explained the framework of the licence and what they were allowed to do.

3. His instructions from his client was to seek to operate the premises as a restaurant going forward. He could say with confidence that they now understood what was permitted. They had struggled to understand previously as their English was not that good.
4. With regard to the previous suggestions of breaches of conditions there were training records and CCTV was now in operation. He had spoken to his client about this week and his client did not accept that the music was especially loud at the weekend.
5. These were not premises that have given WMP any particular issues in respect of crime disorder. Any steps taken should be aimed at resolving matters. His clients should be allowed to continue to operate as a restaurant which was proportionate in the circumstances and the Committee should take into account that any previous breaches had been addressed by them.

Filmon Abraham, the PLH responded to questions from Members as follows:-

1. In response to a question he was experienced and had been a licence holder for the last four years without any complaints. He thinks there were issues as soon as they moved to this neighbourhood owing to his African background.
2. They did not open until late and finished at 1200 even though they had a licence until 0100 hours. The area was mostly a commercial area to begin with. He had spoken to Shaid Ali about complaints a year ago and Shaid Ali had visited him 3 times and recorded the music from outside the premises. He was told it was okay.
3. He had previously worked at a licensed premises before but was not in charge.

In summing up Martin Keys was concerned about the suggestion that it was the type of music being played that had led to the complaints. He had witnessed the noise nuisance personally. The noise had been extremely loud and was totally unacceptable. He had no confidence in the management and recommended that the licence be revoked. The premises was failing to uphold the licensing objectives in respect of the prevention of public nuisance.

In summing up Ben Reader commended the approach Martin Key had taken and also the witness for giving evidence. He noted the premise licence holder was still not accepting there was an issue and still disputing what had been said. The only resolution would be to revoke the licence.

In summing up Shaid Ali was still of the opinion that the best option was to revoke the licence as the PLH had been given enough chances and advised of the consequences should he continue to ignore the advice.

In summing up Duncan Craig clarified that he had said there had been no evidence of any sales of alcohol outside. The Committee was required to take proportionate and appropriate action in respect of this review. He said that times were difficult and challenging for licenced businesses and he asked that the Sub-committee consider all of the alternatives available in place of revoking the licence.

At 1117 hours the Chairman requested all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting who will conduct the deliberations in a separate private session. The decision of the sub-committee will be notified to all parties within 5 working days

5/150124 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by

Filmon Abraham, in respect of Jewels Lounge, Unit 2, 19 – 23 Pitsford Street, Ladywood, Birmingham, B18 6LJ upon the application of Environmental Health, this Sub-Committee hereby determines that the licence be revoked, and Mr Abrahams be removed as DPS, in order to promote the licensing objectives, in particular the prevention of public nuisance objective in the Licensing Act.

The Sub-Committee's reasons for revoking the licence are due to concerns set out by Environmental Services, supported by a local resident Mr Ross a witness today, West Midlands Police and Licensing Enforcement.

The premises and its operation have led to multiple complaints of significant noise nuisance since the premises licence holder began operating the premises in around August 2022. The Sub-Committee notes that the area in which the premises are situated is of mixed use with a significant and increasing residential sector in the regenerating Jewellery Quarter. There are a number of residential premises nearby. It noteworthy that complaints have come from three different residential zones around the premises, rather than from an isolated source, and all on the same themes of significant noise disturbance late at night, mostly from loud music.

The Sub-Committee heard that against the background of multiple and continuing complaints Environmental Services officers themselves witnessed noise that in their opinion clearly constituted a public nuisance. This led to other regulatory action being taken through other legislation and even an attempt to seize the music equipment at the premises. Those other steps taken or attempted have been to no avail. The noise problems have continued unabated to date.

The Sub-Committee is satisfied that the noise levels and noise overall, especially on the worst nights Sundays, is intrusive and constitutes public nuisance. The Sub-Committee accepted the evidence of a local resident Mr Ross who gave a first-hand account of the noise levels and the disturbance it caused to him and his partner late into the night. The Sub-Committee also accepted Mr Ross' representation that noise nuisance continued late into even last night, the night before this hearing.

The Sub-Committee was also told that the premises is unsuitable for amplified music because it has no structure or soundproofing that could reduce noise escape when a significant part of it is open air. The premises appears to be wholly unsuitable for its current style of operation.

The Sub-Committee has no confidence in the ability of the premises licence holder to promote the prevention of public nuisance licensing objective. The responsible authorities have worked in 2022 and 2023 to try to engage with the premises but without any progress being made. There is no evidence of any improvement as a result of their significant and protracted efforts with the premises.

Mr Abrahams made representations to us that they turned the music down or off at midnight. The Committee does not accept his representation and prefers the evidence of Mr Keys on behalf of Environmental Services and that of Mr Ross.

The Sub-Committee notes that while the premises may lawfully provide amplified music until 11pm by virtue of the Live Music Act exemption, it has no permission on its licence for regulated entertainment after 11pm. The Sub-Committee is satisfied that regulated entertainment has been put on after 11pm until after midnight causing public nuisance.

Licensing Enforcement advised the Sub-Committee that it too had no confidence in the premises licence holder due to numerous licence breaches discovered in 2023 including a failure to record and make available CCTV for many months, an absence of staff training records and a failure to display the summary premises licence.

The Sub-Committee agreed that the responsible authorities had exhausted all other avenues to address the problems with the premises before seeking a review of the premises licence.

The Sub-Committee considered whether to take some lesser step including lifting the exemption under S177 of the Licensing Act 2003 relating to regulated entertainment. Given that there was evidence of regulated entertainment being provided after 11pm the Committee had no confidence in the premises licence holder's ability to abide by any new conditions.

The Sub-Committee gave consideration as to whether it could modify the conditions of the licence, remove the Designated Premises Supervisor or suspend the licence for a specified period of not more than 3 months, but was not satisfied given the evidence submitted that the licensing objectives would be properly promoted following any such determination. There was nothing said on behalf of the premises or by the premises licence holder that re-assured the Sub-Committee of their ability to promote the licensing objectives if the licence were to remain.

The Sub-Committee further determines it appropriate and proportionate to remove Mr Abrahams as the DPS at the premises to acknowledge further his personal responsibility for the failings and problems to date.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review,

the written representations received, and the submissions made at the hearing by the premises licence holder, Police, Environmental Services and Licensing Enforcement.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision. The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

The meeting ended at 1130 hours.

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Chairman

BIRMINGHAM CITY COUNCIL

**LICENSING
SUB-COMMITTEE,
MONDAY 15 JANUARY,
2024**

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD
ON MONDAY, 15 JANUARY, 2024 AT 1200 HOURS AS AN ON-LINE
MEETING.**

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors Mary Locke and Penny Wagg

ALSO PRESENT

Bhapinder Nandhra – Licensing Section

Andrew Evans – Solicitor rep BCC

Louisa Nisbett - Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/150124A **NOTICE OF RECORDING/WEBCAST**

The Chairman advised, and the Committee noted, that this meeting would 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.

2/150124A **DECLARATION OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

There were no interests declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/150124A An apology was submitted on behalf of Councillor Phil Davis and Simon Morrall. Councillor Diane Donaldson and Penny Wagg were the nominee Members.

**LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW PORTRAIT
BAR, THE ARCADIAN, 70 HURST STREET, BIRMINGHAM, B5 4TD**

- 4/150124A The following report of the Director of Regulation and Enforcement was submitted:-

(See document no. 1)

On Behalf of the Applicant

Mark Swallow, West Midlands Police

On behalf of the premises licence holder

Sarah Clover from Kings Chambers
Carl Moore, Licensing Consultant from C.N.A Risk Management
Raj Bahia Director of DXR LTD, the Premises License Holder

Those Making Representations

L&C Commercial Ltd
Piers Warner TLT Solicitors

The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

There being no points to consider the main points of the report were outlined by Bhapinder Nandra, Licensing Section.

In making representations Mark Swallow WMP made the following points with regards to the application and in response to questions from Members:-

- a) Portrait is a licenced premises situated at the Arcadian Centre the Premises licence holder is DXR Limited.
- b) At Approximately 0035 hours on Monday 18 December 2023, when the premises were open an incident occurred involving a firearm being discharged and causing injury to other persons.
- c) West Midlands Police requested an expedited review held on 19 December resulting in the premises licence being suspended and the designated premises supervisor removed.
- d) A further appeal hearing was held on the 22 December 2023 and a decision made to uphold the original interim steps and a hearing on 9 January 2024 resulted in the lifting of the interim steps as well as conditions agreed between the applicant and West Midlands Police being put in place together with a new Designated Premises Supervisor, Mr Bennett being appointed.
- e) There have not been any issues since then and Mark Swallow, WMP recommended that consideration be given to the adoption of those conditions and the appointment of the DPS.

In making representations Piers Warner, Acadian informed that his only concern was to ensure that any conditions etc. added to the licence was taken seriously.

In making representations on behalf of the Premises against the application, Sarah Clover made the following points with regards to the application and in response to questions from Members:-

- a) She was aware that Councillors were aware of the background of the case and this had been repeated today.
- b) This full review was mandatory. The conditions had been put forward and imposed as interim steps at the hearing on 9 January as suggested and agreed between the licensee, Mr Carl Moore and Mark Swallow, WMP.
- c) It was requested that these be lifted as interim steps and imposed as full conditions on the premises licence and the interim steps be lifted. The appointment of Mr Bennett as DPS is through a separate application process.
- d) The partnership working on this case was worth noting by all parties and she hoped it would be of reassurance to the Arcadian. Carl Moore was one of the valuable licencing consultants in the city. She hoped the conditions would resolve any issues.

During the summing up both sides had nothing to add. It was felt that the proposals of the conditions were a proportionate and effective response to the issues.

At 1243 hours the Chairman requested all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting to conduct the deliberations in a separate private session

After an adjournment and at 1309 hours, all parties were recalled to the meeting and the short decision was announced. A full written decision of the Sub-Committee was sent to all parties as follows;

5/150124A **RESOLVED:-**

That having reviewed the premises licence held under the Licensing Act 2003 by DXR Limited in respect of Portrait Bar, The Arcadian, 70 Hurst Street, Birmingham B5 4TD, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines to modify conditions on the Premises licence in accordance with the agreement previously reached between the Premises Licence Holder and the Police and set out in a list of Proposed Conditions attached to this decision notice.

The Sub-Committee was satisfied having heard representations from the Police, the Premises Licence Holder through its counsel Miss Clover, and other interested parties, that the licensing objectives would be adequately promoted going forwards by the addition of the long list of new and amended conditions previously agreed and imposed at an interim steps hearing on 9th January 2024.

The Sub-Committee noted that the Premises had been closed for some time following the incident on 18th December 2023 allowing a suitable break in trading over the festive period. It was permitted to re-open when interim steps imposed on 19th December 2023 and maintained on 22nd December 2023 were lifted. These interim steps were suspension of the licence and the removal of Mr Bahia as Designated Premises Supervisor.

It was clear to the Sub-Committee that the premises had used the opportunity of closure to reflect and engaged appropriately with the Police during this period. The Premises also changed DPS with a Mr Bennet becoming the new DPS as a result of an application made to vary the DPS.

The Sub-Committee was content to accept the advice of the Police as their main source of advice on crime and disorder. The Police confirmed that the causes of the incident on 18th December 2023 had been considered, analysed, and taken into account in agreeing the new conditions. The Sub-Committee was satisfied that there had been appropriate efforts to work in partnership. The recommendation of the Police was that the new conditions be adopted and added to the licence.

The new conditions were individually and collectively scrutinised and considered appropriate, reasonable and proportionate to any continuing risk to the licensing objectives, in particular any repeat of the serious crime and disorder that led to the Expedited Review.

The interim steps previously imposed, namely the new conditions and removal of the DPS Mr Bahia are formally lifted and the new agreed conditions imposed on the licence.

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

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the 2003 Act, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, the application and certificate issued by West Midlands Police under Section 53A of the 2003 Act, the written representations, and the submissions made at the hearing by the Police, and the premises licence holder and a solicitor for the landlords of the Arcadian, L&C Commercial Ltd.

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

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.

The meeting ended at 1310 hours.

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Chairman

BIRMINGHAM CITY COUNCIL

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| <p>LICENSING SUB-COMMITTEE A 22 JANUARY 2024</p> |
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 22 JANUARY 2024 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Julien Pritchard and Penny Wagg.

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/220124 **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 Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/220124 **DECLARATION OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/220124 Apologies were submitted on behalf of Councillors Phil Davis, Mary Locke and Simon Morrall, Councillors Sam Forsyth, Julien Pritchard and Penny Wagg were the nominated substitute Members respectively.
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MINUTES

- 4/220124 That the Public section of the Minutes of the meeting held on 18 December 2023 at 1000 hours were noted and the Minutes as a whole were circulated and confirmed and signed by the Chair.
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LICENSING ACT 2003 PREMISES LICENCE – GRANT – MO WINE SHOP, 39 HORSE FAIR, BIRMINGHAM, B1 1DA.

On Behalf of the Applicant

Rob Edge – Agent
Mr Behzad - Applicant

On Behalf of The Premises Licence Holder

No one making representations attended the meeting.

* * *

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. David Kennedy Licensing Section, outlined the report.

At this stage the chair invited the applicant to make their presentation and Rob Edge on behalf of the applicant made the following points: -

- a) That he had made contact with the objector on two occasions but had not received a reply.
- b) There was no evidence to back up what had been said by the objector.
- c) The original objector wrote to the applicant/representative to advise them that his friend made the objection through his email address. Mr Edge wrote to both of them on numerous occasions with no response.
- d) They had agreed conditions with WMP (West Midlands Police).

- e) It was a robust application.
- f) The application should be granted with the police conditions.
- g) The applicant had worked in the licensing trade for years.

The Chair requested that the applicant introduce himself and make a representation.

Mr Behzad introduced himself and advised the Committee to he just wanted to open a nice business. There were 400-600 flats in the area, meaning there were lots of people requiring an off licence/convenience store. The police were happy with the application.

In response to a question from Members, Mr Edge explained that there had been incidents at an adjacent property which had resulted in the licence being revoked. It had since re-opened under different ownership.

The Chair then invited the applicant/representative to make a brief closing submission, Rob Edge made the following closing statements: -

- That the applicant was an experienced operator.
- 14 additional conditions had been agreed with WMP.
- That the application should be granted with the conditions agreed with WMP.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision was announced at the meeting. A full written decision of the Sub-Committee was sent to all parties as follows;

5/220124

RESOLVED:-

That the application by Behzad Zarandi for a premises licence in respect of Mo Wine Shop, 39 Horse Fair, Birmingham B1 1DA, be granted subject to all those conditions agreed between the applicant and West Midlands Police in advance of the meeting, namely:

- An incident log and refusals log will be maintained at all times and will be checked and signed off by the designated premises supervisor [DPS] at regular intervals. These logs will be made available for inspection by any responsible authority, upon reasonable request
- No single cans/bottles of beer or cider will be sold at any time
- Receipts for all purchases from the wholesaler will be retained at the premises and made available for inspection by any responsible authority
- If the DPS/ Premises Licence Holder is not on site, there will be a member of staff left in charge of the premises who has enough knowledge of the business to liaise with any of the responsible authorities as required

- The premises will not supply any form of drinking vessel to customers purchasing alcohol
- All off sales are only permitted in sealed containers
- No beer, lager cider or spirit mixtures over 5.5% ABV to be sold
- No miniature bottles of spirits to be sold
- Till prompts to be activated on all alcohol sales (electronic or otherwise)
- As soon as possible from the grant of this licence, the premises shall join the local Pubwatch, or other local crime reduction scheme approved by the police
- The Premises Licence Holder will ensure that disturbance caused to the public is kept to a minimum. Signage will be placed in a prominent place asking customers to respect neighbours, and not to loiter at the front of the premises. This shall be strictly controlled by the Premises Licence Holder at all times when the premises is open
- The premises' staff will ensure that the frontage of the premises is checked regularly for litter and rubbish, clearing any debris away. No rubbish, including bottles, shall be moved, removed, or placed in outside areas between 2200 hours and 0800 hours
- All staff are to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by any responsible authority
- The premises licence holder or DPS will conduct pre-opening checks of the premises to ensure that there are no risks to patrons and that all safety precautions are in place
- The licence holder will ensure that all staff receive appropriate training. The licence holder would ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol. These training records will be retained at the premises, and staff training will take place twice per year
- All safety certificates and inspection reports will be kept on site and made available to the responsible authorities upon request. A Fire Risk Assessment will be held by the premises licence holder at the premises and made available for inspection at reasonable request
- Challenge 25 signage shall be displayed prominently throughout the premises. A Challenge 25 policy is in place and only recognised forms of ID will be accepted (PASS accredited ID, passport, or photo driving licence)
- A minimum of two members of staff shall be on duty at the premises from 2200 hrs until the premises closes
- 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. The CCTV will be checked to ensure that it is working each week. This information will be stored for 12 weeks and made available to any of the responsible authorities on request

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

The applicant attended the meeting, represented by a licensing agent. Conditions had been agreed with West Midlands Police in advance of the meeting. Another person had submitted a written representation to the Sub-Committee, which was in the Committee Report. The Members considered the written representation carefully.

The agent addressed the Sub-Committee to confirm that he had given full regard to the representation which had been submitted, and had made contact with the objector on two separate occasions, but had not received any reply. The original objector had told the agent that it was not him who had objected, but a friend using his email address. The agent had written to both persons, but had not received any response. The agent suspected that the objection might have been motivated by commercial interests.

The agent did not believe that there was anything substantial within the objection. He asked the Sub-Committee to note that there was “no evidence to back up what has been said about this premises”.

The agent remarked that the fourteen additional conditions agreed with the Police had made the application “exceptionally robust” for an off-licence style premises. He was confident that the additional conditions would ensure that the licensing objectives were promoted. The applicant had worked in off-licence premises for a number of years, and intended to run the Mo Wine Shop “to the highest of standards”. The agent assured the Sub-Committee that the premises would not create any adverse effect on the promotion of the licensing objectives.

The applicant then addressed the Sub-Committee to confirm that his wish was simply to “open a nice business”. He observed that the high levels of residential housing nearby meant that the area would benefit from an off-licence and convenience store. The Police had been happy that he had agreed conditions with them.

The applicant reminded the Members that the person(s) objecting had not attended. The applicant had been surprised to see that any objection at all had been made, and asked the Sub-Committee to note that one of the two off-licences in the vicinity was going to be closed shortly. There would therefore still only be two such premises in the neighbourhood if the application were granted.

The applicant added that other licensed premises in and around Horse Fair operated to 04.00 hours and he had never seen any fights in the area (as had been mentioned in the written representation). Finally, he assured the Sub-Committee that if the licence were to be granted he would operate carefully and safely.

The Sub-Committee noted that under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk to the promotion of the licensing objectives. The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact have an adverse effect on the licensing objectives.

The Members noted that the person who had submitted a written representation had not attended the meeting, and therefore they did not have an opportunity to ask questions.

When deliberating, the Sub-Committee noted that the applicant's intention was to provide a service to local residents. The operating schedule had been drafted with regard to the licensing objectives, and had been approved (with additional conditions) by West Midlands Police. The operating schedule was supported by a full licensing compliance pack. The Members agreed with the agent that the fourteen additional conditions added to the operating schedule by the Police made for a very robust application.

The Members also noted the agent's comment that the objector(s) had not responded to several attempts to mediate with them. The Members did not consider that the objector had produced any evidential basis for believing that the premises would not operate in accordance with its licence, or that the applicant would not comply with the agreed conditions. The applicant was an experienced operator with many years' experience of working in licensed premises. All in all, the application inspired confidence.

The Sub-Committee therefore resolved that the application could safely be granted together with the additional conditions proposed by West Midlands Police, as the operating schedule properly addressed the promotion of the licensing objectives.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the application for a premises licence, the written representation received, and the submissions made at the hearing by the agent, and by the applicant.

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

EXCLUSION OF THE PUBLIC

6/220124

RESOLVED:-

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

Exempt Paragraph 3

CHAIR.....

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

| | |
|-------------------------|--|
| Report to: | Licensing Sub Committee A |
| Report of: | Director of Regulation & Enforcement |
| Date of Meeting: | Monday 26th February 2024 |
| Subject: | Licensing Act 2003 Premises Licence – Grant |
| Premises: | VIP, 90 – 96 Hospital Street, Hockley, Birmingham, B19 3QP |
| Ward affected: | Newtown |
| Contact Officer: | Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk |

1. Purpose of report:

To consider the representations that have been made in respect of an application for a Premises Licence which initially sought to permit the Sale of Alcohol (for consumption on the premises) to operate from 02:00pm until 02:00am (Sunday to Thursday) and 02:00pm until 05:00am (Friday and Saturday).

The provision of Regulated Entertainment consisting of recorded music, to operate indoors only, from 11:00pm until 02:00am (Sunday to Thursday) and 11:00pm until 05:00am (Friday and Saturday).

To permit the provision of Late Night Refreshment, to operate indoors only, from 11:00pm until 02:00am (Sunday to Thursday) and 11:00pm until 05:00am (Friday and Saturday).

After discussions with West Midlands Police the applicant has agreed to amend the scope of the application. The applicant has agreed to cease all licensable activities at 04:00am on Friday and Saturday. The agreement is attached to this report at Appendix 4.

Premises to remain open to the public from 02:00pm until 02:30am (Sunday to Thursday) and 02:00pm until 04:30am (Friday and Saturday).

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:

An application for a Premises Licence was received on 4th January 2024 in respect of VIP, 90 – 96 Hospital Street, Hockley, Birmingham, B19 3QP.

Representations have been received from other persons.

| |
|---|
| 4. Compliance Issues: |
| 4.1 Consistency with relevant Council Policies, Plans or Strategies: |
| <p>The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.</p> |
| 5. Relevant background/chronology of key events: |
| <p>Eden Tekle applied on 4th January 2024 for the grant of a Premises Licence for VIP, 90 – 96 Hospital Street, Hockley, Birmingham, B19 3QP.</p> <p>Representations have been received from other persons, which are attached at Appendices 1 and 2.</p> <p>The application is attached at Appendix 3.</p> <p>Conditions, including amendments to the scope of the application, which have been agreed with West Midlands Police, Environmental Health and Birmingham City Council Licensing Enforcement and the applicant, are attached at Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ol style="list-style-type: none"> The prevention of crime and disorder; Public safety; The prevention of public nuisance; and The protection of children from harm. |
| 6. List of background documents: |
| <p>Copies of the representations as detailed in Appendices 1 and 2.</p> <p>Application Form, Appendix 3.</p> <p>Conditions agreed with West Midlands Police, Environmental Health, Birmingham City Council Licensing Enforcement, Appendix 4.</p> <p>Site Location Plans, Appendix 5.</p> |
| 7. Options available |
| <p>To Grant the licence in accordance with the application.</p> <p>To Reject the application.</p> <p>To Grant the licence subject to conditions modified to such an extent as considered appropriate.</p> <p>Exclude from the licence any of the licensable activities to which the application relates.</p> <p>Refuse to specify a person in the licence as the premises supervisor.</p> |

From:
Sent: 12 January 2024 12:03
To: Licensing
Subject: Licensing Objection- VIP 90-96 Hospital Street, B19 3QP

Dear Sir/Madam,

We write with regard to the application of premises licence VIP, 90-96 Hospital Street, B19 3QP.

The purpose of this correspondence is to register our objection under the following three areas as outlined by the licensing objectives:

- 1) The prevention of crime and disorder
- 2) Public Safety
- 3) The prevention of public nuisance.

Concerns have developed around current and recent late night activity based at 51 St George's St and 90-96 Hospital Street in the past, which fall into the categories noted above. CCTV footage and images are available of such flagrant abuses of public safety and good general order and public safety. Urinating in streets, the 'disposal' of partially consumed food items and alcoholic beverages, illegal parking of vehicles and the involvement of West Midlands Police (26 July and 2nd August 2021 regarding weapon/knife related incidents) are all real consequences of the activities at both 51 St George's St (trading as Elite) and 90-96 Hospital Street, B19 3QP.

We the undersigned feel very strongly that the positive efforts of all stakeholders to regenerate this area of our city are being openly undermined by the activity of VIP.

The operation of VIP lounge would only menace further, the prospect of a thriving and, crucially, safe neighbourhood.

Should you require, we would be pleased to make our objections in person and provide evidence of the legitimacy of our concerns.

We look forward to hearing from you shortly. Thank you, in advance, for your attention regarding this matter.

Yours Sincerely,

Best regards,

From:
Sent: 12 January 2024 16:02
To: Licensing
Subject: Objection to VIP 90-96 Hospital St, B19 3QP

Subject: Objection to License Application for VIP 90-96 Hospital St, B19 3QP by Eden Efrem Tekle

Dear Sirs,

I am writing on behalf of Fosco Hayes Hurdley Ltd, a business located at 105 Hospital St, which is within 20 meters of the proposed site for VIP at 90 - 96 Hospital St. This letter formally objects to the license application submitted by Eden Efrem Tekle for the sale of alcohol at the aforementioned location, as advertised on the premises on 8th January.

Our objection is grounded in the licensing objective of:

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

It is our belief that granting this license would severely undermine these objectives due to the following reasons:

1. ****History of Serious Incidents****: The previous establishment 2 doors up in the same location was shut down following a series of grave incidents involving alcohol abuse, shootings, rape, gang fighting, and drug usage. This history suggests a high risk of similar activities recurring if another alcohol-serving venue were to open in this area.
2. ****Safety of Staff and Public Nuisance****: Our employees have been confronted by intoxicated and aggressive individuals associated with the former night establishment, causing significant distress and concern for personal safety. This has occurred frequently during early morning hours as staff arrived for work.
3. ****Impact on Local Businesses and Community****: The presence of the previous establishment led to numerous police inquiries and a requirement for our business to provide CCTV footage due to criminal activities in the vicinity. This not only disrupted our operations but also placed an unwelcome burden on our resources.
4. ****Proximity to a Children's School****: There is a school located within 100 meters of the proposed establishment. The sale of alcohol in such close proximity poses a direct threat to the safety and welfare of the children and contradicts the objective of protecting children from harm. Families have to walk through litter, drunken gangs and drug capsules.
5. ****Potential Loss of Employees and Economic Harm****: The prospect of a new establishment that could attract the same clientele as the previous one has caused considerable anxiety among our staff. Some have indicated that they would feel compelled to leave their positions if the license were granted, which would cause operational difficulties and could force us to consider relocating our business, resulting in economic harm.

Given these points, it is our strong conviction that the licensing board should deny the application for VIP to prevent a recurrence of the past issues that have significantly impacted the safety, well-being, and economic stability of this long established Industrial area.

We request that our objection be considered, and we are prepared to provide further information or testimony at a hearing if required.

Thank you for your attention to this matter.

Sincerely,

Fosco Hayes Hurdley Ltd
12th January 2023



Birmingham
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

Not Currently In Use

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

Eden Efrem

* Family name

Tekle

* 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 TrainingCentre"/> |
| 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 | <input type="text" value="Optimised Training Centre"/> |
| Street | <input type="text" value="1 Guildford 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="B19 2Hn"/> |
| Country | <input type="text" value="United Kingdom"/> |

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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="VIP"/> |
| Street | <input type="text" value="90-96 Hospital 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="B19 3QP"/> |
| Country | <input type="text" value="United Kingdom"/> |

Further Details

| | |
|---|-------------------------------------|
| Telephone number | <input type="text"/> |
| Non-domestic rateable value of premises (£) | <input type="text" value="10,250"/> |

| | |
|--|--|
| Section 3 of 21 | |
| APPLICATION DETAILS | |
| <p>In what capacity are you applying for the premises licence?</p> <p> <input checked="" type="checkbox"/> An individual or individuals <input type="checkbox"/> A limited company / limited liability partnership <input type="checkbox"/> A partnership (other than limited liability) <input type="checkbox"/> An unincorporated association <input type="checkbox"/> Other (for example a statutory corporation) <input type="checkbox"/> A recognised club <input type="checkbox"/> A charity <input type="checkbox"/> The proprietor of an educational establishment <input type="checkbox"/> A health service body <input type="checkbox"/> A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales <input type="checkbox"/> A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England <input type="checkbox"/> The chief officer of police of a police force in England and Wales </p> <p>Confirm The Following</p> <p> <input checked="" type="checkbox"/> I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities <input type="checkbox"/> I am making the application pursuant to a statutory function <input type="checkbox"/> I am making the application pursuant to a function discharged by virtue of His Majesty's prerogative </p> | |
| Section 4 of 21 | |
| INDIVIDUAL APPLICANT DETAILS | |
| <p>Applicant Name</p> <p>Is the name the same as (or similar to) the details given in section one?</p> <p> <input checked="" type="radio"/> Yes <input type="radio"/> No </p> <p style="margin-left: 580px;">If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.</p> <p> First name <input type="text" value="Eden Efrem"/> Family name <input type="text" value="Tekle"/> </p> <p>Is the applicant 18 years of age or older?</p> <p> <input checked="" type="radio"/> Yes <input type="radio"/> No </p> | |

Continued from previous page...

Current Residential Address

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

☒ Yes

☐ No

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

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

☒ Yes

☐ No

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

E-mail

Telephone number

Other telephone number

* Date of birth

 / /
dd mm yyyy

* Nationality

Documents that demonstrate entitlement to work in the UK

Right to work share code

Right to work share code if not submitting scanned documents

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

 01 / 02 / 2024
dd mm yyyy

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

 / /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

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.

Premises to be used as a lounge and bar.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes

☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes

☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing recorded music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

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

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

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 tick 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.

Continued from previous page...

| |
|--|
| |
|--|

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, 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 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes ☒ No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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

Continued from previous page...

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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 tick 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 supply of late night refreshments at different times from those listed in the column on the left, 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 15 of 21

Continued from previous page...

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

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

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.

Continued from previous page...

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

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

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

Continued from previous page...

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

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

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

NONE

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 14:00

End 02:30

Start

End

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

TUESDAY

Start 14:00

End 02:30

Start

End

WEDNESDAY

Start 14:00

End 02:30

Start

End

THURSDAY

Start 14:00

End 02:30

Start

End

FRIDAY

Start 14:00

End 05:30

Start

End

SATURDAY

Start 14:00

End 05:30

Start

End

Continued from previous page...

SUNDAY

Start 14:00

End 02:00

Start

End

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 you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, 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 18 of 21

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.

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.

Staff other than personal license holders involved in the sale/ supply of alcohol are to receive documented refresher 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.

Continued from previous page...

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.

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

A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Unit and Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device. The sound limiter device shall be under the strict control of the premises licence holder or their representative and not allowed to be controlled by performing artists or their representatives.

When music takes place, the licensee or management shall undertake regular monitoring of noise levels at the nearest noise-sensitive locations. A record shall be kept of any monitoring, including the date, time and location of monitoring; the name of the monitor; and any action taken. Records shall be kept for no less than six months and shall be made available upon request by an authorised officer of the Environmental Health Unit of the Council.

No noise shall emanate from the premises nor vibration to be transmitted through the structure of the premises which

Continued from previous page...

gives rise to a nuisance.

Loudspeakers shall not be located in the entrance lobby or outside the premises building.

All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

Signs shall be displayed at the exit of the premises requesting customers to maintain peace and quiet whilst outside.

No drinking shall take place outside the premises.

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 05:00 (Friday and Saturday) whilst 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.

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.

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.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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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.

Section 21 of 21

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...

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE

- * ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15).

THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS

- * PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

☒ 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](#)

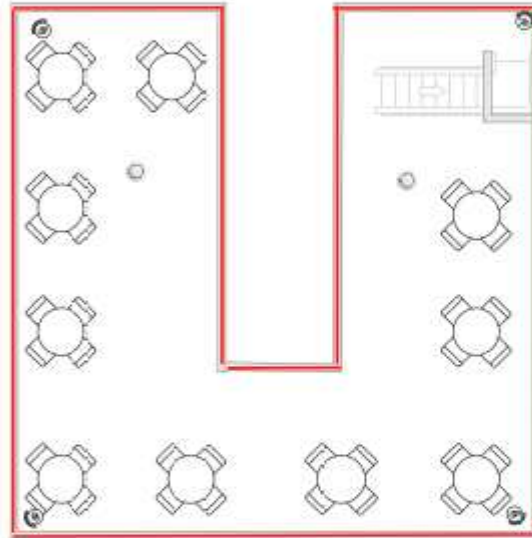
Once you're finished you need to do the following:

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/apply-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 LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED



First Floor

| Key: | |
|----------------|-------|
| Locatable Area | _____ |
| CCTV | 📹 |
| Smoke detector | 🔥 |
| Client | _____ |

| | |
|-----------------|--|
| Scale Plan: | 1:100 @ A3 |
| Project Details | |
| V/P: | 00:56 Hospital Street, Birmingham, B10 3QP |
| Date: | December 2023 |
| By: | Mujibur Rahman |

From: Optimised Training Centre
Sent: 24 January 2024 22:21
To: Sarah Hemsall
Cc: Jane Dunsford ; bw licensing; Licensing
Subject: new conditions [external]: Grant Application: VIP, 90-96 Hospital Street, B19 3QP - 174629

Dear all,

Please accept my apologies for the delay as I have been unwell. I can confirm that we are happy to accept the conditions from West Midlands Police, Environmental Health, and licensing enforcement as shown below.

Please do not hesitate to contact me if you require any further information.

Kind regards

Mij

On 19/01/2024 12:31 AM, Sarah Hemsall wrote:

Hi Mij

Please find below proposed condition in respect of staff training, to be included in addition to those already offered. Please confirm your clients' agreement to this condition.

All members of staff will receive training regarding;

* _The contents of the Premises Licence and on compliance with the conditions attached to the premises licence.

* _The search policy; vulnerability policy and dispersal policy adopted by the premise.

ALL__ training provided to staff will be recorded and state the name of the module undertaken and the person conducting the training. Each member of staff will sign and date their training records to confirm they have received and understood the training provided.

Refresher training will be completed and documented every 6 months._

The staff training records will be kept at the premises and made available to any Responsible Authority upon request.

Kind Regards

Sarah Hemsall
Licensing Enforcement Officer

From: Jane Dunsford
Sent: 18 January 2024 15:20
To: Optimised Training Centre
Cc: Sarah Hempsall; bw licensing; Licensing
Subject: RE: [External]: Grant Application: VIP, 90-96 Hospital Street, B19 3QP - 174629

Dear Mij,

Please find attached my suggested noise assessment condition please advise if you agree and copy in licensing:

A noise assessment shall be undertaken to assess the potential impact of entertainment and associated noise on nearby noise sensitive receptors. The assessment shall cover the noise impact of activities associated with the venue including amplified music until 5am, site access and egress, parking and vehicle movements associated with the premises, and customer noise. The assessment shall include a scheme of mitigation including any changes to the structure of the building. The assessment shall be submitted to and approved by the Environmental Protection Unit and no licensable activities shall take place until the agreed measures have been implemented and approved.

I have also emailed planning to advise of your future application.

Regards

Jane Dunsford

Environmental Protection Officer
Environmental Protection Unit
Regulation & Enforcement

From: bw licensing
Sent: 18 January 2024 07:29
To: Optimised Training Centre
Cc: Sarah Hemsall; Jane Dunsford
Subject: FW: [External]: Grant Application: VIP, 90-96 Hospital
Street, B19 3QP - 174629

Morning Mij,

Please see below conditions and amended licensing hours as per our meeting yesterday.

* All licensable activity to cease at 04.00 Friday & Saturday.

* Premises to have a completed written fire risk assessment, to include capacity numbers prior to opening. This risk assessment to be shared with West Midlands Police Licensing Team prior to the premises carrying out licensable activity.

* When door staff are deployed at the premises they will keep a written document of customer numbers and record occupancy figures every hour. Live time figures will be kept up to date by means of a 'clicker' count or similar. This paperwork will be kept on the premises for a minimum of 28 days and made available to any of the responsible authorities on request. The live time count will be made available to all responsible authorities on request.

* Last entry to the premises, save for returning smokers will be 01.00hrs Sunday to Thursday and 02.00hrs Friday & Saturday.

Regards

Chris Jones 55410
Birmingham Licensing Team
West Midlands Police

