

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 4th August 2021
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	New Inn, 74 Vivian Road, Harborne, Birmingham, B17 0DJ
Ward affected:	Harborne
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider a relevant representation that has been made in respect of an application to vary the Premises Licence, which seeks to amend the conditions relating to the closure of the beer garden so as to permit the beer garden servery to operate to 10:30pm and the beer garden to close at 11:00pm.

The application seeks to amend the following conditions:

- All sales of alcohol from the servery shall cease at 21.00 hours
- The beer garden shall be cleared of all patrons by 21.30 hours and staff shall ensure that patrons are escorted inside the building (save for use by smokers as per the below)
- The beer garden may be used by patrons after 21.30 to smoke, but they will not be allowed to take drinks into the beer garden.

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

2. Recommendation:

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

3. Brief Summary of Report:

Variation application received on 9th June 2021 in respect of the New Inn, 74 Vivian Road, Harborne, Birmingham, B17 0DJ.

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

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

Marstons Plc applied on 9th June 2021 to vary the Premises Licence for the New Inn, 74 Vivian Road, Harborne, Birmingham, B17 0DJ.

A representation and witness statement have been received from West Midlands Police, as a responsible authority, which is attached at Appendix 1.

The application is attached at Appendix 2.

The current premises licence is attached at Appendix 3.

Site Location Plans at Appendix 4.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-

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

6. List of background documents:

Copy of the representation and witness statement, as detailed in Appendix 1
Application Form, Appendix 2
Current Premises Licence, Appendix 3
Site Location Plans, Appendix 4

7. Options available

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

From: Mark Swallow
Sent: 01 July 2021 14:49
To: Licensing
Cc:
Subject: Full Variation: New Inn, 74 Vivian Road, Harborne, Birmingham, B17 0DJ

Good Afternoon Licensing,

In relation to the above The New Inn is a public house located in Vivian Road in Harborne which is a residential setting.

On 9.7.18 Licensing Committee A imposed conditions on the premises following a review procedure.

Four of these conditions were:

Alcohol sales from the servery in the beer garden must cease at 2100 hours each day,
The beer garden must be closed and cleared other than for people smoking at 2130,
There could be no regulated entertainment in the beer garden at any time,
There must be a dispersal policy as agreed with Environmental Health.

On 3rd June 2021 the applicant has submitted a full variation to the license request. The request is to increase the time that alcohol can be sold in the beer garden till 2230 hours and increase the time that patrons can remain in the beer garden until 2300 hours each day.

West Midlands Police believe that if the variation were to be granted that this would undermine the decision of the licensing committee and would lead to an increase in crime and disorder, public nuisance and be detrimental to children living within the area. The area has not changed since the conditions were put in place and the issues that the conditions were put in place to prevent would be more likely to occur with the increases in time proposed.

West Midlands Police would therefore wish to object to the variation on the grounds of:

Crime and Disorder,
The prevention of Public Nuisance
The Protection of Children from Harm

I have copied the applicant into this objection.

Mark Swallow.
West Midlands Police
Birmingham Central Licensing Team.

OFFICIAL – (when complete)

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN

Statement of Mark Swallow.

Age if under 18 Over 18. (If over 18 insert 'over 18')

Occupation Police Licensing Office 60264.

This statement (consisting of two page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: M.SWALLOW. (witness)

Date 15.7.21.

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Licensing Officer 60264 Mark Swallow of the West Midlands Police Force currently stationed at Lloyd House Police Station.

Part of my role is to evaluate applications for variations in premises licenses and make appropriate recommendations to the Local Authority in relation to them.

This matter relates to the New Inn Public House, Vivian Road, Harborne. B17 0DJ. This location is a residential road with the public house situated at its junction with Greenfield Road surrounded by houses.

On 9.7.18 Licensing Sub Committee A sat and adjudicated that all alcohol sales from the beer garden servery at the premises should cease at 2100 hours each day and that the beer garden at the premises should be cleared of all patrons by 2130 hours each day save for use by smokers. This was following numerous complaints and anti-social behaviour associated with the use of the beer garden by the premises and many of these complaints came from residents. The complaints encompassed noise from the patrons of the premises, noise from people leaving the premises and anti-social behaviour such as urinating in peoples gardens in the vicinity of the premises.

On 9.6.21 I received an application on behalf of the premises for a full variation in the premises license. The application was to increase the time that sales of alcohol should cease from the servery till 2230 hours each day and increase the time that the beer garden should be cleared of patrons to 2300 hours save for use by smokers. The applicant has not offered any further control measures as conditions to the license to prevent the issues that have been mentioned.

Since the time of the Committees adjudication there have not been any calls from residents in regards to the issues that occurred previously. It is clear that the closure of the servery and beer garden at the times stipulated has meant that the behaviour of people using the facility has improved. If the application were to be granted there is a real risk that the improvement in behaviour from patrons of the premises will

Signature Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No.

URN

Statement of Mark Swallow.

deteriorate and the issues that previously occurred will occur again. There is a clear relationship between time and peoples behaviour. The circumstances are the same as when the adjudication was made. The pub is the same, the locality and demographic of people living in the area is the same and the clientel of the pub is the same. The application makes reference to the benefits of using outdoor spaces as a response to the Covid 19 Pandemic all the measures that have been in place as a result of the Coronavirus Regulations 2020 and 2021 in relation to the hospitality industry are being removed and therefore limits on the use of indoor space and limits on numbers both indoors and outdoors will no longer be in place. The application does not recognise any risk with the variation requested and does not propose any measures in order to mitigate the potential risk posed. In view of what has happened previously and the real potential for this to occur again coupled with the applicants complete failure to recognise this I believe therefore that the application should not be granted.M.SWallow.

Application to vary a premises licence under the Licensing Act 2003**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

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

Premises Licence Number

2413/6

Part 1 – Premises details

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

New Inn, 74 Vivian Road, Harborne

Post town
BirminghamPost code
B17 0DJ

Telephone number of premises (if any)

Non-domestic rateable value of premises

£65000

Part 2 – Applicant Details

Daytime contact telephone number

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

Marston's House, Brewery Road, Wolverhampton, WV1 4JT

Post Town

Wolverhampton

Postcode

WV1 4JT

Part 3 – Variation

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

Please tick ✓ yes



If not do you want the variation to take effect from

Day Month Year

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

N/A

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

☐ Yes

☐ No

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

Application is made to vary the Licence in relation to conditions relating to the use of the external area. As lockdown eases the benefit of external areas as confirmed by the Government and its scientific advisors has been identified, application is made to vary the conditions restricting operation of the beer garden area so as to permit the same until 23:00 hours.

In particular the following condition should be amended so as to read as follows:

"All sales of alcohol from the external servery shall cease at 22:30 hours.

The beer garden shall be cleared of all patrons by 23:00 hours and staff shall ensure that the patrons are escorted inside the building (save for use by smokers as per the below).

The beer garden may be used by patrons after 23:00 hours to smoke but they will not be allowed to take drinks into the beer garden."

Conditions already on the Licence already require provision of notices and compliance with the Dispersal Policy as approved by Environmental Health. No application is made in relation to the provision of regulated entertainment externally.

The premises will monitor the operation of the external area and monitor levels of noise. On the basis of those conditions already endorsed upon the Licence no additional conditions are added, those being sufficient to promote the four licensing objectives.

Hours of operation for licensable activities and licensable activities are not sought to be changed. The current conditions endorsed upon the Licence provide for the promotion of the licensing objective of prevention of public nuisance, no additional conditions are proposed.

The extension of hours to the external area are limited and do not mirror the hours of the premises generally.

Part 4 Operating Schedule

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

Please tick ✓ yes

Provision of regulated entertainment (Please see guidance note 3)

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

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

Sale by retail of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L & M

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon	As existing	As existing	
Tue	As existing	As existing	
Wed	As existing	As existing	
Thur	As existing	As existing	State any seasonal variations for indoor sporting events (please read guidance note 5)
Fri	As existing	As existing	
Sat	As existing	As existing	
Sun	As existing	As existing	
			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)

D

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

E

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

F

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

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors
Mon				Please give further details here (please read guidance note 5)
Tue			Both	
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)	
Sat				
Sun				

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).	Indoors	
Day	Start	Finish		Outdoors	
Mon	As existing	As existing	Please give further details here (please read guidance note 5) To permit use of the external area for sale of alcohol until 22:30 hours	Both	✓
Tue	As existing	As existing			
Wed	As existing	As existing	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	As existing	As existing			
Fri	As existing	As existing	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat	As existing	As existing			
Sun	As existing	As existing			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 9)	On the premises	
Day	Start	Finish		Off the premises	
Mon	As existing	As existing	State any seasonal variations for the supply of alcohol (please read guidance note 6) To permit use of the external area for sale of alcohol until 22:30 hours	Both	✓
Tue	As existing	As existing			
Wed	As existing	As existing	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur	As existing	As existing			
Fri	As existing	As existing	No change to non-standard timings		
Sat	As existing	As existing			
Sun	As existing	As existing			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10)

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variation (please read guidance note 64) To allow use of external area generally to 23:00 and thereafter for smoking purposes only
Day	Start	Finish	Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7) No change to non-standard timings
Mon	10:00	00:30	
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun	10:00	00:30	

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

Please tick ✓ yes

I have enclosed the premises licence

☐

I have enclosed the relevant part of the premises licence

☐

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

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

M

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

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

The extension of use to the external area is limited being only one hour, sales to cease externally by 22:30 hours and patrons to be removed from the beer garden area by 23:00 hours thereafter the area to only be used for smoking purposes.

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

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed

c) Public safety

No further risks have been identified which need to be addressed

d) The prevention of public nuisance

The following conditions are proposed:

1. All sales of alcohol from the external servery shall cease at 22:30 hours.
2. The beer garden shall be cleared of all patrons by 23:00 hours and staff shall ensure that the patrons are escorted inside the building (save for use by smokers as per the below).
3. The beer garden may be used by patrons after 23:00 hours to smoke but they will not be allowed to take drinks into the beer garden.

e) The protection of children from harm

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

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature: John Gaunt & Partners

Date: 3rd June 2021

Capacity: Solicitors.....

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

Signature: John Gaunt & Partners

Date:.....

Capacity: Solicitors.....

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

Notes for Guidance

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the

performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (Indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

LICENSING ACT 2003**PREMISES LICENCE**

Premises Licence Number:

2413 / 6

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
New Inn 74 Vivian Road	
Post town:	Post Code:
Birmingham	B17 0DJ
Telephone Number:	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

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

Christmas Day – 11:00 to 23:00

New Year's Eve – 10:00 to 01:00 New

Year's Day

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

The opening hours of the premises

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

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

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

On and Off Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Marstons Plc Marstons House	
Post town: Wolverhampton	Post Code: WV1 4JT
Telephone Number:	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 31461

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Katy Louise Mullett	
Post town:	Post Code:
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number PER2252	Issuing Authority WOLVERHAMPTON CITY COUNCIL

Dated 02/08/2018

Bhapinder Nandhra
Senior Licensing Officer
For Director of Regulation and Enforcement

Annex 1 – Mandatory Conditions

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

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

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

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

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

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

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

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

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

Licensing Sub Committee A resolved to GRANT the variation on Monday 9th July 2018 subject to the following conditions:

All sales of alcohol from the servery shall cease at 21.00 hours

The beer garden shall be cleared of all patrons by 21.30 hours and staff shall ensure that patrons are escorted inside the building (save for use by smokers as per the below)

The beer garden servery will be operated exclusively by staff (patrons shall not serve themselves)

A litter sweep in the vicinity will be conducted by staff morning and night

Notices shall be displayed near the garden servery advising customers of the servery closing times

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

N/A

The use of SIA registered door staff shall be determined via Risk Assessment approved by both West Midlands Police and Environmental Health

3c) Committee conditions to promote public safety

N/A

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

N/A

There will be no regulated entertainment in the beer garden at any time

A written Dispersal Policy shall be implemented to the satisfaction of Environmental Health

Signage shall be erected asking patrons to respect local residents

The Licensee shall write to reputable taxi companies in the area to ensure that they instruct their taxi drivers when picking up and dropping off customers from the licensed premises that noise from these vehicles does not cause a nuisance to local residents

Customers who require a taxi from the site shall be encouraged by staff to use taxi companies in receipt of correspondence from the licensee

Notices shall be displayed within the licensed premises for customers to view giving details of taxi companies to be used

Bottles shall only be emptied into external waste bins between 08.00 and 22.00 Monday to Friday, and 10.00 and 22.00 on Saturday and Sunday

Screens will only be used in the external areas with the prior written permission of Environmental Health

The beer garden may be used by patrons after 21.30 to smoke, but they will not be allowed to take drinks into the beer garden. The DPS shall be responsible for ensuring that patrons wishing to utilise the outside areas do so quietly and that noise from patrons moving to and from the external areas is kept to a minimum. The DPS shall be responsible for ensuring that the area does not create a nuisance to neighbours and if necessary restrict the number of people utilising the areas at any one time. In addition, if necessary the DPS

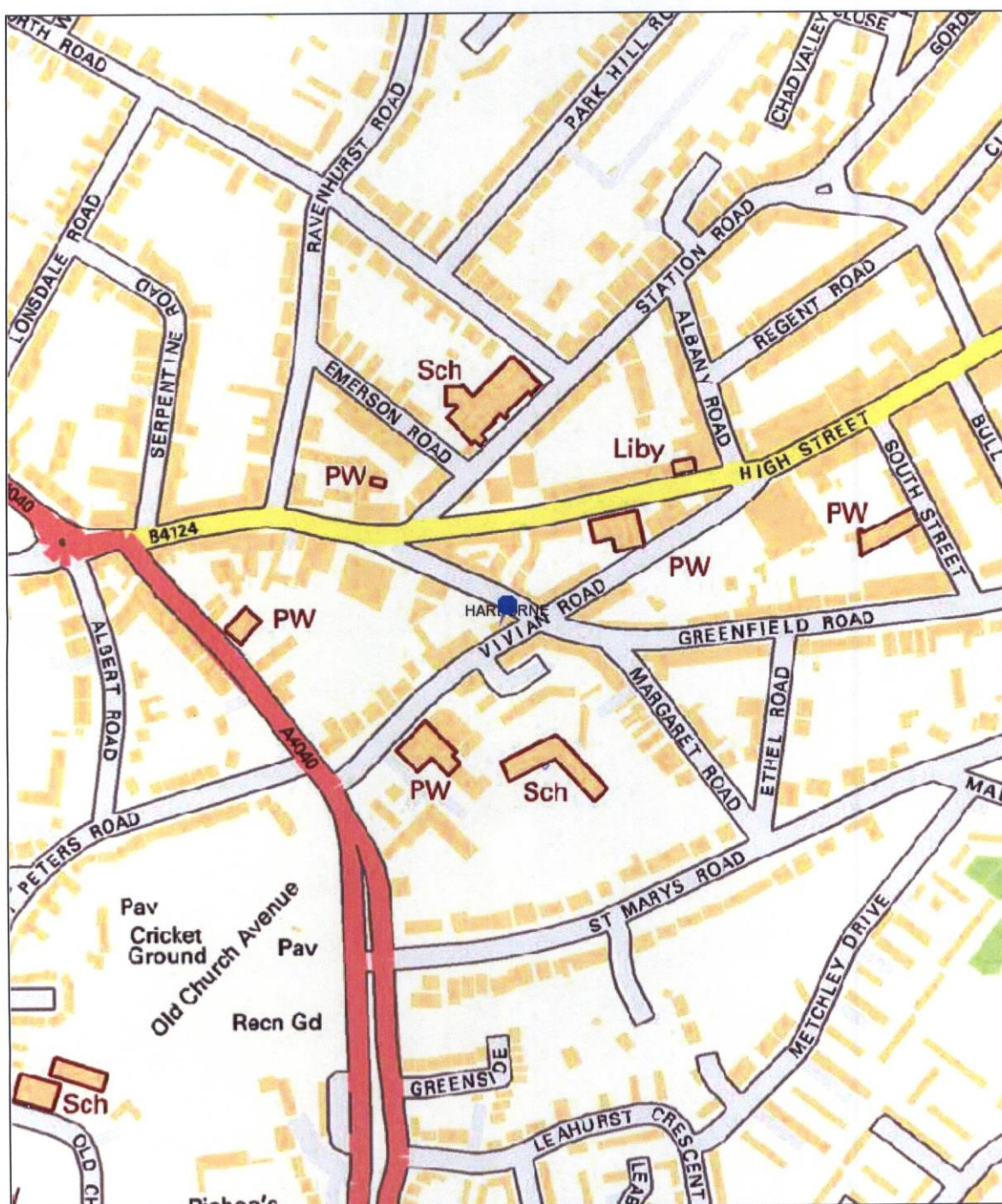
will increase the number of staff to control customers

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

N/A

Annex 4 – Plans

The plan of the premises with reference number **106441-2413/6** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



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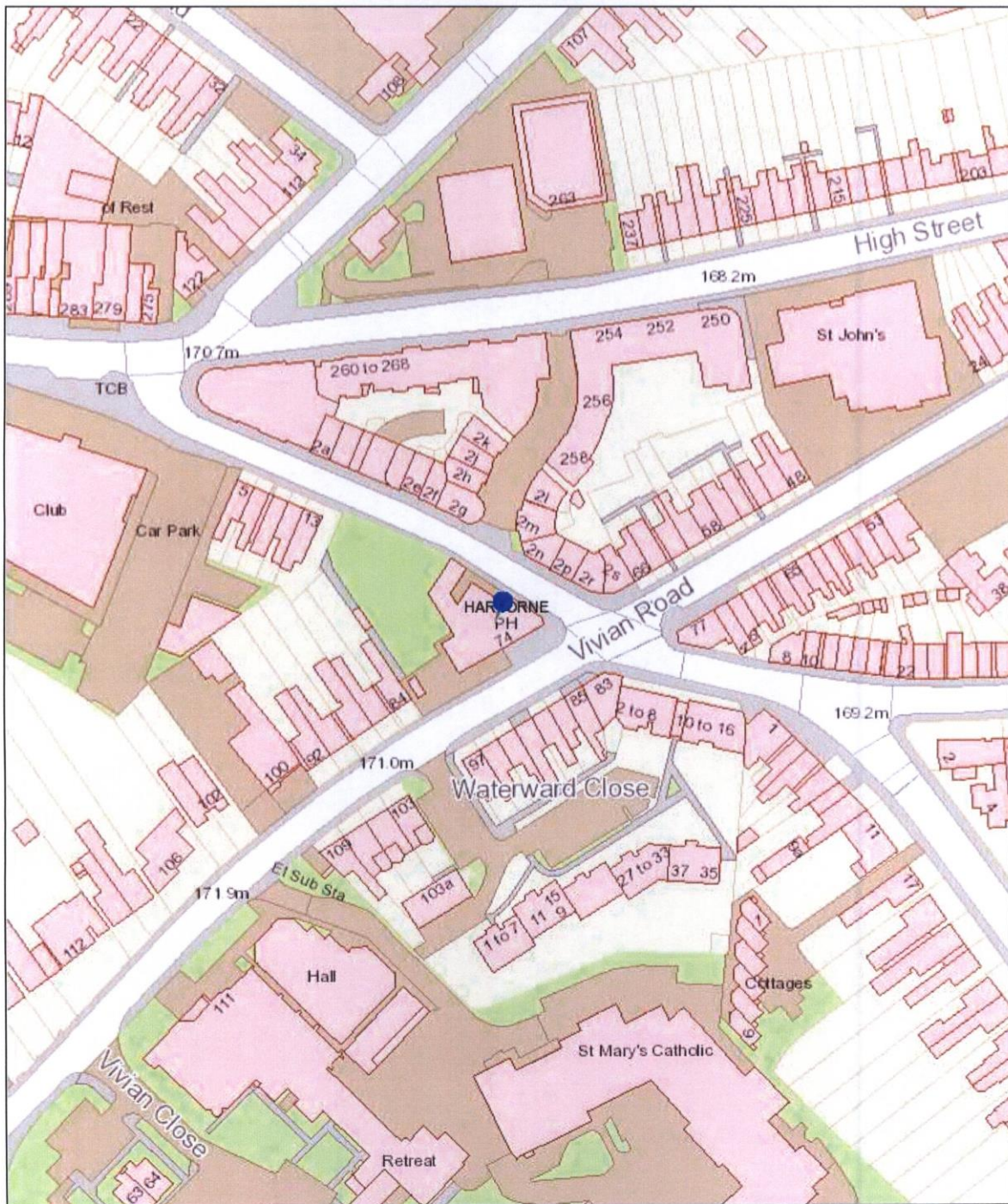
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Notes



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