

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Assistant Director of Regulation & Enforcement
Date of Meeting:	Tuesday 3rd September 2019
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	Horseshoe, 1214 Stratford Road, Hall Green, Birmingham, B28 9BH
Ward affected:	Hall Green North
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896 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 modify the conditions of licence and to change the layout and design of the premises in accordance with the submitted plan. The changes include the licensing of the function room.

The opening hours and licensable activities authorised by the premises licence are to remain unaltered.

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 July 2019 in respect of the Horseshoe, 1214 Stratford Road, Hall Green, Birmingham, B28 9BH.

A representation has been received from Environmental Health 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.

<p>5. Relevant background/chronology of key events:</p> <p>Greene King Brewing & Retailing Limited applied on 9th July 2019 to vary the Horseshoe, 1214 Stratford Road, Hall Green, Birmingham, B28 9BH.</p> <p>A representation has been received from Environmental Health as a responsible authority. See Appendix 1.</p> <p>The application is attached at Appendix 2.</p> <p>The applicant's legal representative has confirmed that the conditions attached to the Premises Licence following a review on Monday 15th July 2019, will be deemed to apply to the varied licence incorporating the function suite if granted. A copy of the current Premises Licence is attached at Appendix 3.</p> <p>Site Location Plans at Appendix 4.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
<p>6. List of background documents:</p> <p>Copy of the representation as detailed in Appendix 1</p> <p>Application Form, Appendix 2</p> <p>Current Premises Licence, Appendix 3</p> <p>Site Location Plans, Appendix 4</p>
<p>7. Options available</p> <p>To grant the variation application</p> <p>To refuse the whole or part of the application</p> <p>To modify the conditions of the Licence</p>



To:	Licensing Section, PO Box 17013, Birmingham, B6 9ES	Date: 1st August 2019
From:	Martin Key, Environmental Health, 40 Moat Lane, Birmingham, B5 5BD	Tel:
Subject:	Application for Variation of a Premises License – Licensing Act 2003 Address – The Horseshoe, 1214 Stratford Road, Birmingham, B28 9BH	

I, Martin Key, as a representative of Environmental Health, formally raise a representation on the above application to vary an existing premises licence. My representation(s) concern the likely effect of the grant of the licence on the promotion of the licensing objectives relating to the prevention of public nuisance.

I am concerned that the grant of the licence would potentially result in noise nuisance to neighbouring properties due to noise breakout from the building and patrons accessing and egressing the premises. The primary purpose of the variation is to include the former Wacky Warehouse building in the premises licence (now labelled as a function room on the drawings accompanying the variation). This building has been associated with witnessed statutory nuisance and a recent licence review and is not currently appropriate for regulated entertainment including live and recorded music.

I have noted the conditions offered including termination of use of this function room by 00.00 and regulated entertainment to cease at 23.30 but I am still concerned that the building is not appropriate for such use as currently designed and operated. I have tried to contact the applicant to discuss this but with impending leave and the approaching end date for representations I am submitting this representation.

I believe that my concerns can be dealt with by a combination of the offered controls in the application and additional conditions and I have included below 10 conditions I would seek to attach to the variation.

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED	
REF NO	ENTERED <u>BI</u>

1. All external doors and windows shall be kept closed during live music or amplified music, speech or sound except as necessary for safe and effective access and egress.
2. There shall be no speakers used for amplified music, speech or sound outside the building at any time.
3. The Premises Licence Holder shall ensure notices are displayed at all entrances and exits of the premises advising customers to have respect for the nearby residents and keep noise levels to a minimum as they depart.
4. The Premises Licence Holder shall, within 3 months of the date of issue of this licence, submit in writing a noise management plan for approval by the Environmental Protection Unit of Birmingham City Council. The noise management plan shall include a noise risk assessment and outline the measures to be adopted to reduce the noise impact of activities associated with the premises including music, deliveries, recycling and refuse collections, smoking areas, customers, car parking and taxi pick up. The noise management plan shall be reviewed regularly and where the review and risk assessment identifies that the noise impact or necessary operational controls for the event need to be revised from the approved noise management plan the revised noise management plan shall be submitted to the Environmental Protection Unit of Birmingham City Council for approval before any future event takes place. All operational controls and management actions required by the approved noise management plan shall be instigated at all times and all staff shall be adequately trained in their role in implementing the plan.
5. There shall be no licensed activity involving live or recorded music, speech or sound carried out in the building marked as the function room on the plan (the former Wacky Warehouse building) until the noise management plan referred to in condition 4 above has been approved in writing by the Environmental Protection Unit of Birmingham City Council.
6. To avoid nuisance being caused to nearby noise sensitive premises the Premises Licence Holder, or other nominated person/staff, shall monitor the external areas of the premises including the car park whenever licensed activities are being undertaken and also until all patrons have been effectively dispersed. If necessary, they shall remind customers to be respectful of neighbours.
7. No waste or recyclable material, including bottles, shall be moved, removed or placed in areas outside the premises building between the hours of 22.00 and 08.00.

8. There shall be no licensed activity involving live or recorded music, speech or sound carried out in the building marked as the function room on the plan (the former Wacky Warehouse building) until the fire exit doors to the premises have been fitted with an audible alarm that sounds in a suitable location in the main bar area to warn staff that the doors have been opened when the building is in use. The Premises Licence Holder or their nominated person shall ensure that fire exit doors are only opened appropriately in an emergency and if the alarm activates shall immediately investigate and ensure the doors are closed as soon as possible.

9. There shall be no licensed activity involving live or recorded music, speech or sound carried out in the building marked as the function room on the plan (the former Wacky Warehouse building) until an assessment of the building design and structure and a proposed scheme of noise insulation and attenuation has been produced by a suitably qualified and experienced noise consultant. The scheme shall include consideration of the need for upgrading of the building structure in terms of noise insulation, the need for an acoustic lobby to the main entrance doors and the need for a noise limiting device. This scheme shall be submitted in writing to the Environmental Protection Unit of Birmingham City Council and no regulated entertainment involving live or recorded music, speech or sound shall take place in this room until the mitigation measures that have been approved in writing by the Environmental Protection Unit of Birmingham City Council have been implemented. The noise mitigation measures shall be thereafter maintained.

10. Any Noise limiting Devices (NLD's) that are installed to meet the requirements of the licence they shall be of a type approved by the Birmingham City Council Environmental Health Department and shall be fitted to the amplification system and set at a level approved by the Birmingham City Council Environmental Health Department, to ensure the volume of music is pre-set so as not to cause a noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Unit at least 14 days before its' initial operation and shall fulfil the following criteria:

- a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position unless prior approval is given
- b) The device shall be capable of cutting off the mains power to the amplification system if the volume exceeds the pre-set level determined by the Environmental Protection Unit or shall be capable of maintaining the volume of the music at the pre-set level determined by

the Environmental Protection Unit and shall not restore power to the sound system until the NLD is reset by the licensee or their nominated person.

c) The amplification system shall only be operated through the sockets/power points linked to and controlled by the NLD at all times.

d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification system is operational.

e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.

If the applicant is prepared to agree to the inclusion of these conditions I would prepared to review my comments and withdraw my representation. I am now on leave and will not return until 12 August 2019.

In light of the matters set out above I object to the licence being granted.

Ref: 11879

Dep: 10.07.19 - 06.08.19

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.

I/We Greene King Brewing & Retailing Limited

(Insert name(s) of applicant)

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

1991/6

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description Horseshoe 1214 Stratford Road Hall Green		<div style="border: 1px solid black; padding: 5px; text-align: center;"> BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 09 JUL 2019 REF NO <u>E450-00 CHQ-557160</u> INITIALS <u>AL</u> </div>	
Post town	Birmingham	Postcode	B28 9BH

Telephone number at premises (if any)

Non-domestic rateable value of premises

£97,000.00

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	Westgate Brewery
Post town	Bury St Edmunds
Postcode	IP33 1QT

Part 3 - Variation

Please tick as appropriate

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

☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			
1	1	1	1	1	1	1	1

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 see guidance note 2)

To change the layout and design of the premises in accordance with the submitted plan, drawing number 250. The changes include the licensing of the function room.

The opening hours and licensable activities authorised by the premises licence are to remain unaltered.

Locations of fire safety equipment are subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

Any detail shown on the plan that is not required by the licensing plan regulations is indicative only and subject to change.

To add the following conditions to the premises licence:

- There will be no licensable activity within the function /conference room after 23.30hrs
- The volume of any regulated entertainment will be reduced at 23.00hrs to 'back-ground' music level.
- The function room will be clear of all customers no later than 00.00hrs
- When the function room has been hired out / booked the DPS will take the booking using the Premises Licence Holder approved booking form. The booking will include photographic ID. If photographic ID is not available then a copy of a utility bill no less than 3 months old will be acceptable.
- All bookings in the function/conference room (known as the old Whacky Warehouse) to be signed off by the DPS.
- Last entry to the main premises on Friday, Saturday, Sunday and Monday of each statutory Bank holiday weekend and on the Thursday preceding Good Friday last entry to the premises will be 23.30hrs
- Regulated entertainment in the main premises to terminate at 23.30 hours. Retail sale of alcohol to remain as current licence.
- The premises will install / update a CCTV system to the specifications and recommendations of West Midlands Police. CCTV will record for a minimum of 28 days, display the correct time and date stamp and be downloadable.
- CCTV will be made immediately available to any of the responsible authorities on request. There will be a member of staff on duty who can operate the CCTV system.
- The CCTV to be checked to ensure it is recording daily and documented in management book. The DPS to sign this off and check every week.
- Where door staff are used then they must be supplied by an SIA (Approved contractor scheme ACS) supplier.
- The premises will employ a minimum of 2 doors staff on Friday, Saturday, every Sunday and Monday of each statutory Bank holiday weekend and on the Thursday preceding Good Friday. From 20.00hrs until all customers have dispersed from the premises.
- The DPS/premises will risk assess the need for extra door staff and different start times depending on any event being held at the premises or function room. These risk assessments will be made immediately available to any of the responsible authorities on request.

- All door staff will sign on and off duty. The premises will keep a profile for each of the door staff deployed at the premises. This profile will include a copy of their SIA badge and photographic ID. If photographic ID is not available then a copy of a utility bill no less than 3 months old will be acceptable. The profiles and signing on & off sheet will be made immediately available to any of the responsible authorities on request. They will be kept on the premises for a minimum of 3 months
- The premises to have a carbonated and numbered incident book, to record all incidents irrelevant if any of the emergency services are called
- Incident book to be made available immediately on request, to any responsible authority
- Premises to have a documented vulnerability policy, to which all staff are trained (documented) and refreshed every 6 months. This policy as a minimum should look at the methods needed to protect people who become vulnerable through being at the premises.

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:

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.

Provision of regulated entertainment (Please see guidance note 3) **Please tick all that apply**

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

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 (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)			
Tue						
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)			
Thur						
Fri			<u>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</u> (please read guidance note 7)			
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			
Thur			
Fri			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 7)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)			
Mon						
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)			
Wed			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)			
Thur						
Fri						
Sat						
Sun						

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 (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

F

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

G

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

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 (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)			
Tue						
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)			
Thur						
Fri			<u>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</u> (please read guidance note 7)			
Sat						
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur					
Fri					
			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)		
Sat					
Sun					

K

<p>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).</p> <p>None</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)	
Day	Start	Finish		
Mon				
Tue				
Wed				
Thur				<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
Fri				
Sat				
Sun				

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 as appropriate

- 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 not enclosed the premises licence or relevant part of premises licence.
The premises licence has not been returned following the minor variation application
submitted 13 May 2019.

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 and e) (please read guidance note 11)

- There will be no licensable activity within the function /conference room after 23.30hrs
- The volume of any regulated entertainment will be reduced at 23.00hrs to 'back-ground' music level.
- The function room will be clear of all customers no later than 00.00hrs
- When the function room has been hired out / booked the DPS will take the booking using the Premises Licence Holder approved booking form. The booking will include photographic ID. If photographic ID is not available then a copy of a utility bill no less than 3 months old will be acceptable.
- All bookings in the function/conference room (known as the old Whacky Warehouse) to be signed off by the DPS.
- Last entry to the main premises on Friday, Saturday, Sunday and Monday of each statutory Bank holiday weekend and on the Thursday preceding Good Friday last entry to the premises will be 23.30hrs
- Regulated entertainment in the main premises to terminate at 23.30 hours. Retail sale of alcohol to remain as current licence.
- The premises will install / update a CCTV system to the specifications and recommendations of West Midlands Police. CCTV will record for a minimum of 28 days, display the correct time and date stamp and be downloadable.
- CCTV will be made immediately available to any of the responsible authorities on request. There will be a member of staff on duty who can operate the CCTV system.
- The CCTV to be checked to ensure it is recording daily and documented in management book. The DPS to sign this off and check every week.
- Where door staff are used then they must be supplied by an SIA (Approved contractor scheme ACS) supplier.
- The premises will employ a minimum of 2 doors staff on Friday, Saturday, every Sunday and Monday of each statutory Bank holiday weekend and on the Thursday preceding Good Friday. From 20.00hrs until all customers have dispersed from the premises.
- The DPS/premises will risk assess the need for extra door staff and different start times depending on any event being held at the premises or function room. These risk assessments will be made immediately available to any of the responsible authorities on request.
- All door staff will sign on and off duty. The premises will keep a profile for each of the door staff deployed at the premises. This profile will include a copy of their SIA badge and photographic ID. If photographic ID is not available then a copy of a utility bill no less than 3 months old will be acceptable. The profiles and signing on & off sheet will be made immediately available to any of the responsible authorities on request. They will be kept on the premises for a minimum of 3 months
- The premises to have a carbonated and numbered incident book, to record all incidents irrelevant if any of the emergency services are called
- Incident book to be made available immediately on request, to any responsible authority
- Premises to have a documented vulnerability policy, to which all staff are trained (documented) and refreshed every 6 months. This policy as a minimum should look at the methods needed to protect people who become vulnerable through being at the premises.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

- 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	
Date	8/7/19
Capacity	Solicitor to applicant

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	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

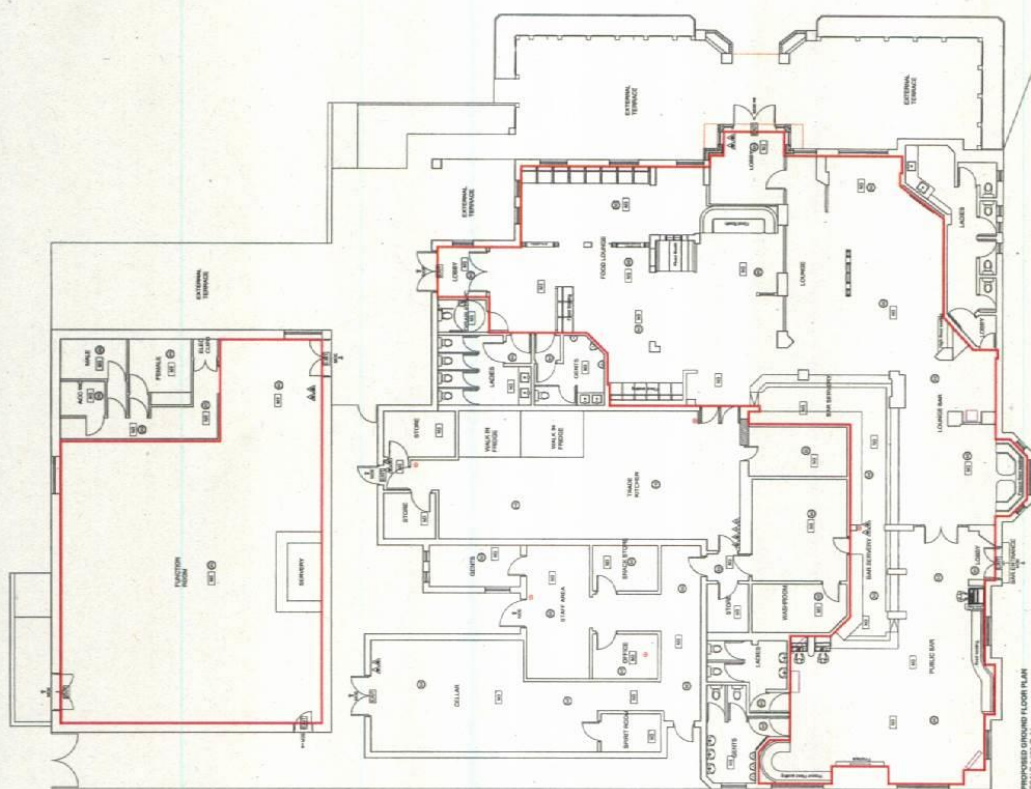
TLT Solicitors
One Redcliff Street

Post town	Bristol	Post code	BS1 6TP
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail 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



KEY

- | 2019-2020 Academic Year | |
|-------------------------|----------------|
| Grade | Subject |
| 1 | Math |
| 2 | Math & English |
| 3 | Math & English |
| 4 | Math & English |
| 5 | Math & English |
| 6 | Math & English |
| 7 | Math & English |
| 8 | Math & English |
| 9 | Math & English |
| 10 | Math & English |
| 11 | Math & English |
| 12 | Math & English |

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BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

1991 / 6

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Horseshoe 1214 Stratford Road Hall Green	
Post town:	Post Code:
Birmingham	B28 9BH
Telephone Number:	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

- | | |
|----|--|
| E | Live music |
| F | Recorded music |
| H | Anything of similar description to that falling within (live music), (recorded music) or (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 - Wednesday	10:00 - 00:00	E , F , H , M3
	23:00 - 01:00	L
Thursday - Saturday	10:00 - 01:00	E , F , H , M3
	23:00 - 02:00	L
A further additional hour into the morning every Friday, Saturday, Sunday and Monday of each statutory Bank holiday weekend and on the Thursday preceding Good Friday.		All
A further additional hour into the morning every St David's Day, St Patrick's Day, St George's Day and St Andrew's Day subject to 7 days notice to, and agreement with, the Police.		All

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On a maximum of 12 occasions per calendar year for events of local, national or international significance licensable activities may be provided for an additional hour, subject to 21 days notice to and agreement with the police.	All
The Police retain the right of absolute veto over any such extension.	All

The opening hours of the premises

Sunday - Wednesday	09:00	-	01:00
Thursday - Saturday	09:00	-	02:00

A further additional hour into the morning every Friday, Saturday, Sunday and Monday of each statutory Bank holiday weekend and on the Thursday preceding Good Friday.

A further additional hour into the morning every St David's Day, St Patrick's Day, St George's Day and St Andrew's Day subject to seven days notice to, and agreement with, the Police.

On a maximum of 12 occasions per calendar year for events of local, national or international significance licensable activities may be provided for an additional hour, subject to 21 days notice to and agreement with the police.

The Police retain the right of absolute veto over any such extension.

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

On and Off Supplies

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Greene King Brewing and Retailing Limited Westgate Brewery Bury Street Edmunds	
Post town: Suffolk	Post Code: IP33 1QT
Telephone Number: Not Specified	
Email Not Specified	

Registered number of holder for example company number or charity number (where applicable) 03298903
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Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol N.B. 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.	
Post town:	Post Code:
Telephone Number:	

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	Issuing Authority

Dated 13/08/2019

Bhupinder Nandhra
Senior Licensing Officer
For Director of Regulation and Enforcement

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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

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the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

Embedded Restrictions

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m. b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m. c. On Good Friday, 12 noon to 10.30 p.m. d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m. f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m. g. On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day, which would be 11.00 a.m. if New Year's Day falls on a weekday or 12 noon if a Sunday. The above restrictions do not prohibit: (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel; (b) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises; (c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (d) the sale of alcohol to a trader or club for the purposes of the trade or club; (e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces; (f) the taking of alcohol from the premises by a person residing there; or (g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or (h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

(1) Subject to the following paragraphs, the permitted hours on weekdays shall extend until two o'clock in the morning following [three o'clock in the metropolis] [or, if an earlier hour is specified in the special hours certificate, that hour] except that – (a) the permitted hours shall end at midnight on any day on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after midnight; and (b) on any day that music and dancing end (or, in the case of casino premises, gaming ends) between midnight and two o'clock in the morning [three o'clock in the metropolis], the permitted hours shall end when the music and dancing end or, as the case may be, when the gaming ends. (2) In relation to the morning on which summer time begins, paragraph (1) of this condition shall have effect – (a) with the substitution of references to three o'clock in the morning [four o'clock in the metropolis] [or one hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 a.m. and 2 a.m.] (3) Except on Sundays immediately before Bank holidays, the permitted hours on Sundays shall extend until thirty minutes past midnight in the morning following [or, if an earlier hour is specified in the special hours certificate, that hour], except that – a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after midnight; (b) where music and dancing end (or, in the case of casino premises, gaming ends) between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end or, as the case may be, when the gaming ends. (4) On Sundays immediately before bank holidays, the permitted hours shall extend until 2 a.m. in the morning following [3 a.m. in the metropolis], except that – (a) the permitted hours shall end at midnight on any Sunday on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after midnight; (b) where music and dancing end (or, in the case of casino premises, gaming ends) between midnight on any Sunday and 2 a.m. [3 a.m. in the metropolis], the permitted hours on that Sunday shall end when the music and dancing end or, as the case may be, when the gaming ends. For casino premises (5) The sale of alcohol must be ancillary to the use of the premises for gaming facilities and substantial refreshment. For other premises (6) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

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This licence is granted subject to compliance with the conditions attached to the Public Entertainment Licence, previously issued in respect of these premises, as detailed in document reference number: PEL4.7 (copies of which are available upon request from the Licensing Section)

Where the number of children attending the entertainment exceeds 100 the licensee shall ensure the provisions of Section 12 of The Children and Young Persons Act 1933 are complied with.

Licensable activities may continue beyond the times specified in the embedded restrictions up to the times the premises licence authorises the carrying out of licensable activities.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No adult entertainment or services are permitted on the premises, with the exception of AWP machines.

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

The licence holder will ensure the premises respect Spirit Group's Approach to Responsible Drinking.

On a maximum of 12 occasions per calendar year for events of local, national or international significance licensable activities may be provided for an additional hour, subject to twenty-one days notice to, and agreement with, the Police. The Police retain the right of absolute veto over any such extension.

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

The Licence Holder will ensure CCTV system is in place that captures sufficiently clear, usable images.

Door staff will continue to be employed at the premises on Friday and Saturday evenings.

When door staff are used on the premises they will be Security Industry Authority (SIA) approved and operate in accordance with the Security Industry guidelines.

The licence holder shall ensure a zero tolerance towards illegal drugs will be enforced at all times on the premises.

If a disk jockey is used on any night at the premises, then he/she will ask patrons to leave the premises quietly.

The licence holder shall ensure that all instances of crime and disorder are reported to the police and an incident log book will be kept and maintained on the premises.

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

Maximum occupancy level:

- limited to 200 persons (lounge)
- limited to 100 persons (bar)

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

The licence holder shall ensure additional patrols are carried out by members of staff, internally and externally, to limit any noise pollution when entertainment is being offered within the premises.

Notices will be displayed on the premises, asking customers to respect local residents when leaving the premises.

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

Soft drinks and non-alcoholic refreshment will be available during any extended period between the cessation of the supply of alcohol and the closure of the premises.

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

Whenever children are permitted on the premises, any entertainment offered within the premises will be suitable for persons of that age.

Persons under the age of 16 must be supervised by an accompanying adult at all times.

Soft drinks and non-alcoholic drinks will be available.

Persons under the age of 18 are not permitted to play on Section 34 permitted AWP machines.

Persons under the age of 16 are not permitted in the area immediately adjacent to the bar servery.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

On Monday 15th July 2019, Licensing Sub Committee A resolved to modify the conditions of the licence following the Review by West Midlands Police. The Conditions are set out as below:

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

That the designated Premises Supervisor Tanveer Handa shall be removed.

Those conditions recommended by West Midlands Police within the Committee report shall be adopted, namely:

There will be no licensable activity within the function /conference room after 23.30hrs

The volume of any regulated entertainment will be reduced at 23.00hrs to 'back-ground' music level.

The function room will be clear of all customers no later than 00.00hrs

When the function room has been hired out / booked the premises will take the booking using the Premises Licence Holder approved booking form. The booking will include photographic ID. If photographic ID is not available then a copy of a utility bill no less than 3 months old will be acceptable.

All bookings in the function/conference room (known as the old Whacky Warehouse) to be signed off by the premise licence holder.

Last entry to the main premises on Friday, Saturday, Sunday and Monday of each statutory Bank holiday weekend and on the Thursday preceding Good Friday last entry to the premises will be 23.30hrs

Regulated entertainment in the main premises to terminate at 23.30 hours. Retail sale of alcohol to remain as current licence.

The premises will install / update a CCTV system to the specifications and recommendations of West Midlands Police. CCTV will record for a minimum of 28 days, display the correct time and date stamp and be downloadable.

CCTV will be made immediately available to any of the responsible authorities on request. There will be a member of staff on duty who can operate the CCTV system.

The CCTV to be checked to ensure it is recording daily and documented in management book. The DPS to sign this off and check every week.

Where door staff are used then they must be supplied by an SIA (Approved contractor scheme ACS) supplier.

There premises will employ a minimum of 2 doors staff on Friday, Saturday, every Sunday and Monday of each statutory Bank holiday weekend and on the Thursday preceding Good Friday.

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From 20.00hrs until all customers have dispersed from the premises.

The premises will risk assess the need for extra door staff and different start times depending on any event being held at the premises or function room. These risk assessments will be made immediately available to any of the responsible authorities on request.

All door staff will sign on and off duty. The premises will keep a profile for each of the door staff deployed at the premises. This profile will include a copy of their SIA badge and photographic ID. If photographic ID is not available then a copy of a utility bill no less than 3 months old will be acceptable. The profiles and signing on & off sheet will be made immediately available to any of the responsible authorities on request. They will be kept on the premises for a minimum of 3 months

The premises to have a carbonated and numbered incident book, to record all incidents irrelevant if any of the emergency services are called

Incident book to be made available immediately on request, to any responsible authority

Premises to have a documented vulnerability policy, to which all staff are trained (documented) and refreshed every 6 months. This policy as a minimum should look at the methods needed to protect people who become vulnerable through being at the premises.

Those conditions recommended by Licensing Enforcement within the Committee report shall be adopted, namely:

The Licensing Sub-Committee hereby make the statement that the live and recorded music exemption given to the premises under Section 177A (2) of the Licensing Act 2003, pursuant to Sections 177A (3) and 177A (4) of the said Act does not apply and as such all conditions relating to the playing of live and recorded music to apply.

The Premises Licence Holder will provide initial induction training for all nominated Designated Premises Supervisors in respect of the licence and to be completed within 30 days of any new appointments taking effect. The training should include but this is not an exhaustive list:-

- 1. Their role and responsibilities regarding the day to day operation of the premises;*
- 2. The terms of the premises licence;*
- 3. Permitted trading hours for licensable activities;*
- 4. Conditions attached to the premises licence and how to evidence compliance with conditions where required (e.g.)*
- 5. Staff training – content and recording of training;*
- 6. CCTV provisions – operation of the system;*
- 7. SIA and Police requirements when door supervisors deployed at the premises;*
- 8. Risks and control measures to prevent noise breakout from the premise;*

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Where the premises is operated by a tenant;

1. *An awareness of liability in respect of offences identified in the Licensing Act 2003 and potential penalties;*

The induction training provided by the Premises Licence Holder must be recorded and signed by both trainer and trainee. The training records to be retained by the Premises Licence Holder and made available for inspection by any Responsible Authority on request.

The Premises Licence Holder and/or nominated Designated Premises Supervisor will ensure all members of staff employed at the premises and involved in the sales of alcohol receive training regarding the:-

1. *Four licensing objectives contained in the Licensing Act 2003;*
2. *Responsible retailing of alcohol, and law regarding sales of alcohol;*
3. *Protection of children from harm and this must include proxy sales and how to competently check customers' identification where necessary; and*
4. *Permitted hours during which licensable activities can take place, and the conditions attached to the premises licence.*

Staff training records detailing the training provided must be maintained for each member of staff and the training records must be sign and date by the member of staff to acknowledge they received and understood the content of the training provided.

The staff training records must be maintained at the premises and made available for inspection by any Responsible Authority on request.

The Designated Premises Supervisor will maintain a list of all members of staff authorised to made sales of alcohol and will make this list available for inspection by any Responsible Authority on request.

3c) Committee conditions to promote public safety

N/A

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

N/A

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

N/A

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Annex 4 – Plans

The plan of the premises with reference number **110588-1991/6** 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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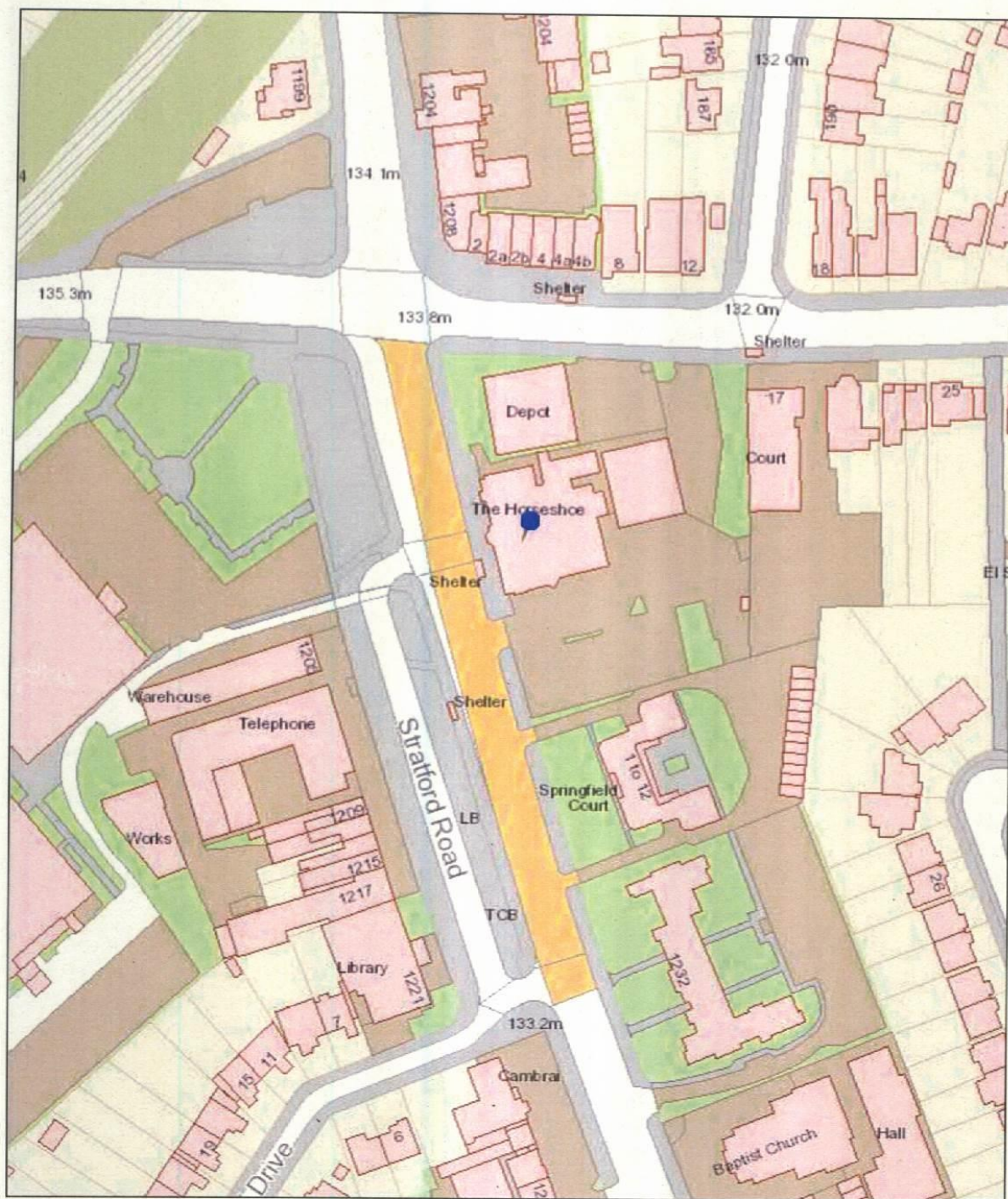
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