

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING SUB-COMMITTEE A**

**MONDAY, 24 APRIL 2023 AT 10:00 HOURS**  
**IN ON-LINE MEETING, MICROSOFT TEAMS**

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

## **A G E N D A**

### **1 NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

### **2 DECLARATIONS OF INTERESTS**

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

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

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

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

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

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**3 - 32**

4 **MINUTES**

To confirm and sign the Minutes of the meeting held on 25 October 2021 at 1200 hours.

To note the public part of the Minutes of the meeting held on 26 October 2021 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the public part of the Minutes of the meeting held on 6 March 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

**33 - 76**

5 **LICENSING ACT 2003 PREMISES LICENCE – VARIATION DIAMOND LOUNGE, 17-19 BARR STREET, NEWTOWN, BIRMINGHAM, B19 3EH**

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

6 **OTHER URGENT BUSINESS**

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

**PRIVATE AGENDA**

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 26 October 2021 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 6 March 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

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

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

**BIRMINGHAM CITY COUNCIL**

**LICENSING  
SUB-COMMITTEE A  
MONDAY 25 OCTOBER 2021**

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE  
A HELD ON MONDAY 25 OCTOBER 2021 AT 1200 HOURS AS AN  
ON-LINE MEETING.**

**PRESENT:** - Councillor Diane Donaldson in the Chair;

Councillors Rob Beauchamp and Martin Straker Welds.

**ALSO PRESENT**

David Kennedy – Licensing Section  
Sarah Lavender – Licensing Enforcement  
Joanne Swampillai – Legal Services  
Katy Townshend – Committee Services

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

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1/251021 **NOTICE OF RECORDING/WEBCAST**

The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

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2/251021 **DECLARATION OF INTERESTS**

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

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

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

## **Licensing Sub-Committee A – 25 October 2021**

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

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

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### **3/251021 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

Apologies were submitted by Councillor Davis. Councillor Donaldson attended as a substitute.

### **4/251021 MINUTES**

That the public section of the Minutes of the meeting held on 28 June 2021 at 1200 hours were noted and the minutes as a whole were confirmed and signed by the Chair.

### **5/251021 LICENSING ACT 2003 PREMISES LICENCE – GRANT RUBINOS PIZZA, 1187 BRISTOL ROAD SOUTH, NORTHFIELD, BIRMINGHAM, B31 2SL**

#### **On Behalf of the Applicant**

Gulzar Khan Ahmedzai – Applicant  
Saifur Rehman – Allerton and Gladstone Solicitors

#### **Those Making Representations**

Jason Bejai on behalf of the residents of School Close and Bristol Road South,

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

The Chair then explained the hearing procedure prior to inviting the Licensing Officer, David Kennedy, to outline the report.

The Chair invited the applicant to make their submission and Saifur Rehman, on behalf of the applicant, made the following statements:-

- a) His client was willing to reduce the hours as the Sub-Committee felt appropriate in the circumstances.
- b) His client had taken over the premises and did not know the ongoing of the previous owner or any conditions of their licence that may have been breached. However, as a new applicant his client was committed to complying with any conditions in order with operating his business.
- c) There may be some confusion between the current owner and previous owner who shared a tribal name but were not related.



## **Licensing Sub-Committee A – 25 October 2021**

- d) His client could not comment on allegations made against the previous owner.
- e) Representations from residents may be significant in the decision-making process of the Sub-Committee but it would not be the propensity of his client to cause any unnecessary discomfort to the residents.
- f) His client would take into account what had happened before with the previous owner and the concerns of the residents.
- g) His client wished to run his business in a way that was compliant with the licensing regime and compliant with the consensus of the residents.

Gulzar Khan Ahmedzai, the applicant, made the following statements:-

- a) He had been living in the Birmingham City Council area for 21 years and had not had any issue with the Council on any issue.
- b) He would order extra bins to help to keep the area clear.
- c) He had added extra CCTV cameras inside and outside to monitor his workers and he would attend the premises himself.
- d) He wished to avoid a repeat of what had happened under the previous owner.

Members were invited to ask questions and Saifur Rehman and Gulzar Khan Ahmedzai gave the following responses: -

- a) Gulzar Khan Ahmedzai had taken over the premises as a new business owner and as such had letters of discharge from the previous owner and proof of ownership. He owned the business and had a lease from the owner of the property.
- b) The papers could be produced as a condition for the licence if the Sub-Committee wished.
- c) Gulzar Khan Ahmedzai would be responsible for ensuring that the licensing objectives were upheld.
- d) Gulzar Khan Ahmedzai was certain that the business could comply with the licensing timing and conditions and the exercise of food hygiene standards.
- e) The premises had recently been inspected by health inspectors and they had seen that the premises was clean and clear and given it a four-star rating.
- f) Gulzar Khan Ahmedzai would work to avoid Anti-Social Behaviour (ASB) on and around the premises. This was important to him as he had invested a lot in acquiring the business.

## **Licensing Sub-Committee A – 25 October 2021**

- g) Gulzar Khan Ahmedzai would aim to spend 12 hours a day on the premises.
- h) All of the staff were new.

Sarah Lavender, Licensing Enforcement, made the following statements:-

- a) The previous license for the premises had been revoked following a review in June 2020.
- b) The review found the licence holder not to be at or in control of the premises and the new owner, identified as Khalil Ahmedzai, was found to be trading after authorised hours and causing a nuisance and disturbance to local residents with ASB and noise and other disturbances into the early hours of the morning.
- c) The premises had failed to uphold the licensing objectives and was very poorly managed.
- d) Following the application for the licence by the current applicant, Gulzar Khan Ahmedzai, Licensing Enforcement had concerns that if a licence was granted for trading after 11pm, the licensing objectives would not be upheld. In particular with regard to the prevention of public nuisance.
- e) Checks had been made at the premises and had ensured that they were not trading after 11pm. However, the current times advertised on the Just Eat online delivery service stated that the premises was open for collection between 12pm and 11pm but delivery was from 12pm until 2pm. Previously delivery drivers had caused a nuisance late at night.
- f) During the time that the premises had not been permitted to open after 11pm, no complaints had been received.
- g) There were not enough assurances that there would not be problems in the future if the licence was granted.
- h) A licence would not be required for trading up until 11pm. Only for trading after 11pm.

Jason Bejai on behalf of the residents of School Close and Bristol Road South, made the following statements:-

- a) Jason Bejai had spoken to the residents in the immediate vicinity, and they were not convinced.
- b) He had phoned the premises and asked when they closed and had been informed that they closed at midnight.

## **Licensing Sub-Committee A – 25 October 2021**

- c) When a notice that the premises intended to apply for extended opening hours was placed on the front of the premises it was relocated to a higher position which impeded the view for passers-by.
- d) There were concerns that the extended opening hours would attract patrons leaving The Black Horse pub at around 11pm and the applicant would have no controls over those patrons and their behaviour, particularly drunk behaviour.
- e) There were a number of shops of various use in the parade of shops that included the premises, including those selling food. The latest closing of which closed at 11pm. It was requested that should the licence be granted to Rubinos, it be required to close all operations by 11pm.
- f) It was further requested that should the Sub-Committee grant the license that an accountable person be on site.
- g) It would be desirable for staff to undertake a litter-pick when the premises opened and that wheelie-bins were not stored at the front of the premises.
- h) The front of the premises had been graffitied and whilst other premises in the area removed graffiti, Rubinos had not.

Members were invited to ask questions and Jason Bejai gave the following responses:-

- a) Councillor Armstrong had visited the premises on behalf of the residents as had Jason Bejai and one of his neighbours. Councillor Olly Armstrong had been assured that measures would be taken against noise late at night, however when Mr Bejai and his neighbour had visited they had not received a clear response to concerns.
- b) Jason Bejai and Councillor Armstrong had attempted to discuss the opening times of the premises with the staff. Mr Bejai referred back to when he had been informed by the premises that they were open until midnight.

Saifur Rehman raised the following points:

- a) With regard to the advertised opening times of the premises, these were operational matters and his client would change these times to whatever times the licence permitted.
- b) Gulzar Khan Ahmedzai would be the accountable person requested to be present, and he had already stated that he would be present.
- c) With regard to litter-picking, this was not the only business on the parade of shops. His client would contribute, along with the other shops on the parade, to maintain the aesthetic.

## **Licensing Sub-Committee A – 25 October 2021**

The Chair then invited the parties to make a closing submission.

Jason Bejai on behalf of the residents of School Close and Bristol Road South made the following closing statements:-

- It was requested that the premises close at 11pm in line with the latest-closing premises in that parade of shops.
- It was requested that there be an accountable person on site so that issues could be brought to them in person or by phone.
- It was requested that aesthetics and upkeep in the area were maintained.

Sarah Lavender, Licensing Enforcement, made the following closing statements:-

- There was not enough assurance that the additional hour sought by the application could uphold the licensing objectives.
- Should a licence be granted it would be desirable to see evidence that the applicant had purchased this new business.

Saifur Rehman, on behalf of the applicant, made the following closing statements:-

- The business itself was four-star rated by Birmingham City Council Food Hygiene, this showed the investment his client had made and his intention to comply with the licensing regime and meet the expectations of the residents, but he had to be given an opportunity.
- Regarding aesthetics, whilst it was expected to keep up the standards of aesthetics, there were other businesses there. With specific regard to graffiti, graffiti was a criminal offence and whilst there was a duty of care, unless the graffiti was specifically connected to his client's premises it would be unfair to say that the graffiti was there simply because of the premises.
- His client was a completely new owner and should not be associated with any failings of the previous owner.
- The Sub-Committee were within their rights to impose conditions should a licence be granted.
- There was a school and factories in the area that his client would provide a service to.
- His client had already taken steps by increasing the presence of CCTV.
- His client was requesting the closing time of 23:59.

Gulzar Khan Ahmedzai, the applicant, made the following closing statements:-

- With regard to the current advertised operations, specifically the times advertised on Just Eat, he had contacted the service to request access to adjust the times and could adjust to times that would be allowed by the City Council.
- He would undertake to remove graffiti from the shop front.

## **Licensing Sub-Committee A – 25 October 2021**

- He noted that other premises in the area had licences until 23:59. He was willing to align his hours with other businesses of a similar nature to his.

David Kennedy, Principal Licensing officer, clarified that should the Sub-Committee restrict opening hours to 11pm, they would essentially be refusing the application as a licence was not required after 11pm.

6/251021

### **RESOLVED:-**

That the application by Gulzar Khan Ahmedzai for a premises licence in respect of Rubinos Pizza, 1187 Bristol Road South, Northfield, Birmingham B31 2SL, be refused. In reaching this decision, the Sub-Committee was mindful of the promotion of the licensing objectives in the Act, particularly the prevention of public nuisance.

The Sub-Committee's reasons for refusing this application for a premises licence are due to concerns raised by Licensing Enforcement, and by a local resident, regarding the impact of the proposed operation on the particular locality of the premises in Northfield - especially given the recent history of the premises, when it was trading under a different licence holder. That person had had his licence revoked in June 2021.

At the start of the meeting the Sub-Committee noted that the applicant had reduced the proposed hours by bringing the terminal hour forward. The premises intended to close at 23.59, rather than 02.00. However, both of the persons making representations maintained their objections.

The applicant stated that he had invested a large sum of money into the premises and that he would be the responsible person. He had observed that the busiest time was during the daytime, but intended to work 12 hour shifts, seven days a week. He had replaced all the staff and delivery drivers; none of his staff were connected to the previous operator.

The Members asked whether the applicant was related to the previous operator Khalil Ahmedzai (who was operating the premises at the time the licence was revoked), given that they had the same surname; the applicant stated that he was not related or connected to that person. The Members also asked about how he had taken over the premises, and whether this had been a formal arrangement. The applicant stated that this was the case, and that the transfer of the lease had been handled by solicitors. However, he did not produce any documents to confirm this.

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The Sub-Committee carefully considered the operating schedule put forward by the applicant, and the likely impact of the application, but were not persuaded that either the applicant or the proposed operation of the premises would be capable of upholding the licensing objectives beyond 23.00 hours. Licensing Enforcement addressed the Sub-Committee. It was their view that to permit trading after 23.00 would lead to an unacceptable level of public nuisance in a residential area.

The local resident agreed that this would be the case; he was particularly concerned that upon telephoning the premises on 20th October 2021 to ask what time they would be closing, he was told that they were open until midnight. This did not inspire confidence that the premises would observe the permitted hours if the licence were to be granted. He observed that nearby residents were not just those living directly above the premises, but also those in and around School Close.

He further noted that on the “Just Eat” website, the premises currently offered delivery services until 02.00. The local resident asked that the operation should close at 23.00, in line with many other local businesses. A particular worry to him was that a nearby public house closed at 23.00; he was concerned about the likelihood of public nuisance arising late at night if the Rubinos Pizza premises were to trade to 23.59 hours.

In summing up, the applicant’s legal representative stated that although residents had had a bad experience with the previous operator, the new applicant understood his responsibilities. However, the Sub-Committee noted that the applicant had simply said that he would do his best, and that he would do as much as he could; this was not sufficient, given the premises’ previous history.

Regarding the documents relating to the transfer of the lease, the legal representative suggested that production of these could be made a condition of granting the licence. Regarding the listing on the “Just Eat” website, the applicant stated that this was due to be changed shortly; it was still showing the listing which had been set up by the previous operator as he had yet to supply documents showing that he was the new operator. However, the Sub-Committee considered that the application might have been better made after these issues had been addressed.

All in all, the Sub-Committee considered that the applicant had not shown that he fully understood the upholding of the licensing objectives beyond 23.00 hours in a residential area. There was something of a lack of sensitivity towards local residents, who understandably were keen that the terminal hour should be 23.00. The Sub-Committee was also unsure that the applicant understood what needed to be done to separate his operation from the previous bad

## **Licensing Sub-Committee A – 25 October 2021**

management shown by somebody else, or the need to show that he wanted to be part of the community by being considerate towards the needs of local residents in preventing public nuisance.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the four licensing objectives were adequately promoted and that therefore the licence might be granted; however, Members did not consider that modifying conditions of the licence would mitigate the concerns raised by those making representations.

The Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the information contained in the application, the written representations received and the submissions made at the hearing by the applicant, his legal representative, and by those making representations.

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





**BIRMINGHAM CITY COUNCIL**

**LICENSING  
SUB-COMMITTEE A  
TUESDAY 26 OCTOBER 2021**

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE  
A HELD ON TUESDAY 26 OCTOBER 2021 AT 1000  
HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Diane Donaldson in the Chair;

Councillors Rob Beauchamp and Martin Straker Welds.

**ALSO PRESENT**

David Kennedy – Licensing Section  
Sarah Lavender – Licensing Enforcement  
Joanne Swampillai – Legal Services  
Katy Townshend – Committee Services

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

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1/261021 **NOTICE OF RECORDING/WEBCAST**

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2/261021 **DECLARATION OF INTERESTS**

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

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3/261021 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

Apologies were submitted by Councillor Davis. Councillor Donaldson attended as a substitute.

4/2612/21 **MINUTES**

That the public section of the Minutes of the meeting held on 28 June 2021 at 1200 hours were noted and the minutes as a whole were confirmed and signed by the Chair.

5/261021 **LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW  
THE ROCKET CLUB, 258 BROAD STREET, BIRMINGHAM, B1 2HF**

**On Behalf of the Applicant**

PC Ben Reader – WMP (West Midlands Police)  
Chris Jones - WMP

**On Behalf of the Premises Licence Holder**

Heath Thomas – Solicitor, HCR Law.  
Lawrence Reddy – representing the premises.

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

PC Ben Reader requested that the hearing be held in private due to ongoing criminal investigations and the request was repeated by Heath Thomas.

The Chair then explained the hearing procedure prior to inviting the Licensing Officer, David Kennedy, to outline the report.

At 1025 the Chair advised that the rest of the meeting would be held in private in light of the requests made by PC Ben Reader and Heath Thomas.

6/261021 **EXCLUSION OF THE PUBLIC**

**RESOLVED:-**

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

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The public were readmitted into the meeting.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was announced and a copy of that decision was sent to all parties as follows;

10/261021 **RESOLVED:-**

That having reviewed the premises licence held under the Licensing Act 2003 by Balevents Ltd in respect of The Rocket Club, 258 Broad Street, Birmingham B1 2HF, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police under section 53A of the Act, this Sub-Committee hereby determines that no action is necessary with regard to the licence. Accordingly, the interim steps, including the step which was imposed at the meeting of 12<sup>th</sup> October, are withdrawn.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. The solicitor representing the premises supported this course, as the investigation had not yet concluded. The Sub-Committee therefore agreed to hold the meeting in private.

The imposition of an interim step at the previous hearing had been an agreed position between the parties, whilst all awaited further evidence. At the start of the instant meeting however, the Sub-Committee noted that the said evidence had still not arrived. The Police investigation was therefore not finalised.

It was for that reason that the Police recommended that the interim step imposed at the last meeting should remain in place - namely that the role of designated premises supervisor be taken over by another member of staff, until Mr Ramseir received confirmation from Police that he could

## **Licensing Sub-Committee A – 26 October 2021**

resume his normal duties. The Police remarked that they understood the frustration that this request would cause to those at The Rocket Club, but that they were doing all that they could to resolve the outstanding issues. They apologised for the delay. The Members observed that the situation was unfortunate.

The solicitor acting for The Rocket Club stated that it was an understatement to describe the matter as unfortunate. The allegation had been made on 26<sup>th</sup> September; one month on, the designated premises supervisor's livelihood had been impacted enormously, yet the investigation was no further forward.

The solicitor went on to observe that the Police, as a responsible authority, were under a duty to support their application with evidence; however, it appeared that there was not in fact any evidence to offer. The picture painted in the Certificate had ceased to exist at the last hearing but, in his view, the Police were not progressing the investigation. He had requested disclosure on numerous occasions, but no witness statement from the complainant had been forthcoming; nor had any CCTV evidence. The premises was fully monitored by CCTV cameras, but the Police had not viewed all of it. The names of the staff at the premises, including performers and security staff, had been passed to Police three weeks ago, but none of them had been questioned, or even contacted.

Conversely, the designated premises supervisor had agreed at the very start of the investigation to be interviewed, had voluntarily given an intimate sample, and had assisted the investigation exactly as required, yet his livelihood continued to be at risk.

The solicitor reminded the Sub-Committee of the need for robust evidence in decision making. Two separate Police Officers had confirmed in writing, on the 5<sup>th</sup> October and the 22<sup>nd</sup> October respectively, that there was nothing to implicate the designated premises supervisor in the allegation, and that they were awaiting the arrival of the forensic evidence as a formality. However, the impact on the business had been significant. This was unfair when they had been trading for 20 years with an excellent history, and the designated premises supervisor had twelve years' experience and an unblemished record.

The solicitor went on to observe that the Police recommendation to maintain the interim step was not supported by the evidence. He reminded the Sub-Committee of paragraph 9.12 of the Guidance issued under s182 of the Act; it was incumbent on the Police to ensure that their representations could withstand scrutiny, yet all that had been produced so far was the initial Certificate which had brought the premises before the Sub-Committee for an Expedited Review.

The Sub-Committee was mindful of the fact that the allegations were very serious. However, the Members saw the importance of following the

## **Licensing Sub-Committee A – 26 October 2021**

course set out in paragraph 9.12, and considered whether the Police evidence, or lack thereof, could withstand scrutiny. The Members found that it could not. West Midlands Police themselves had agreed that The Rocket Club was not any kind of 'problem' premises. There was therefore no need to take any action at all; it was not necessary for the promotion of the licensing objectives.

There was also no need to maintain the interim step; to do so would place an entirely unfair restriction on the designated premises supervisor, who had cooperated fully with Police from the start, notwithstanding the fact that he did not accept that the incident had actually occurred. The solicitor for the premises had remarked that to maintain the interim step would almost amount to attaching bail conditions in an alternative form; the Sub-Committee agreed that to do this would be entirely unreasonable.

All in all, the Sub-Committee is satisfied that the Review does not require the licensing authority to take any action to promote the four licensing objectives contained in the Act. As such, the interim step imposed at the last meeting expires, as requested by the solicitor acting for the premises.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, the Certificate and application submitted by West Midlands Police under section 53A of the Licensing Act 2003, the written representations and submissions made at the hearing by the Police, and by the premises licence holder company via its solicitor.

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



# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE A 6 MARCH 2023</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 6 MARCH 2023 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Phil Davis in the Chair;

Councillors Mary Locke and Adam Higgs.

### **ALSO PRESENT**

Bhapinder Nandhra – Licensing Section  
Joanne Swampillai – Legal Services  
Katy Townshend – Committee Services

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

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1/060323

### **NOTICE OF RECORDING/WEBCAST**

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2/060323

### **DECLARATION OF INTERESTS**

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3/060323 Apologies were submitted on behalf of Councillor Morrall and Councillor Higgs was the nominated substitute Member.

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**MINUTES**

4/060323 The Minutes of the meeting held on 16 January 2023 at 1200 hours were confirmed and signed by the Chair.

The public part of the minutes of the meetings held on 16<sup>th</sup> January 2023 at 1000 hours and 23 January 2023 at 1000 hours were noted and the Minutes as a whole were confirmed and signed by the Chair.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT – U WISH LOUNGE, 81 EYRE STREET, LADYWOOD, BIRMINGHAM, B18 7AD.**

**On Behalf of the Applicant**

Rob Edge – Agent  
Mr Ali - Applicant

**On Behalf of those Making Representations**

Duncan Craig – Barrister representing Urban Work Space  
Louisa Morrey and Steve Poppit – Immediate Care Medical

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

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

Then the Chair invited the applicant to make their submission and Rob Edge, on behalf of the applicant made the following statements: -

- a) That they had given full regard to the representations against the application, the Licensing Objectives, the Licensing Act 2003 and the City Councils Statement of Licensing Policy.
- b) None of the 8 responsible authorities had made objections demonstrating that it is a good application with a robust operating schedule.



- c) They fully understood the objectors concerns, with the main one being in relation to parking which isn't within the licensing remit.
- d) The applicant has leased the car park across the road from the premises. He had refurbished it, including new fencing and clearing debris. He had spent over £4000 on the car park.
- e) There are policies in place promoting the licensing objectives and the management team will ensure they are up to the mark.
- f) The applicant intended to run the premises in a professional manner.
- g) Alcohol has not been applied for.

The Members asked questions and Mr Edge responded that they would be employing a waste collection company, collections would take place in work hours. The premises had no plans to operate a Shisha Lounge. The applicant had experience running premises previously.

Duncan Craig on behalf of Urban Work Space made the following statements: -

- a) He knew the area well and it is a problem area. Police resources mean that it isn't actively policed.
- b) The issues his client faces haven't been addressed in the application.
- c) The application made reference to the sale of alcohol, but they haven't applied for alcohol.
- d) The premises is supposedly a coffee lounge, so wasn't sure what the alcohol related conditions related to.
- e) Everything they had heard suggested it is going to be a Shisha Lounge, yet Mr Edge stated it isn't.
- f) The plan didn't identify fire fighting equipment, alarms, fire extinguishers etc.
- g) Although parking matters were not licensable activity they were an issue of public nuisance.
- h) Most cars are dumped on a Sunday and not picked up until later in the week.
- i) There is a noise management plan but no dispersal policy.
- j) There are issues regarding refuse and rubbish, his client has huge issues with clearing empty bottles on a Monday morning.
- k) People are urinating and leaving debris on his client's premises.
- l) His clients principle concerns were debris and rubbish and the attitude of the applicant in relation to their neighbours.

Members asked questions and Duncan Craig explained that there is nothing in the operating schedule that covers rubbish or refuse, there are issues with cars blocking entrances and his client was genuinely concerned. The applicant hasn't demonstrated a robust approach to the issues raised. The applicant hasn't considered the issues properly.

Steve Poppit was then invited to make his case on behalf of Immediate Care Medical and he made the following statements: -

- a) They operate a 24/7 ambulance service which requires access at all times.
- b) It is a busy area and there are often abandoned vehicles there.
- c) The car park has been fenced but the surface remains poor and there is limited street lighting in the car park.
- d) He spoke to Mr Ali about a month ago and until the objection was raised it sounded like he didn't realise what the business is and that they operated ambulances.
- e) Mr Ali indicated that the premises would be a coffee and shisha lounge and that most clients would be of higher/upper class therefore the vehicles would be expensive such as a Ferrari. This raised concerns as people would not want to use a car park with uneven surface and no street lighting and instead would abandon them in the street potentially causing obstructions.
- f) There are issues with litter and debris. The refuse collection needed to be at times which didn't impact other businesses.
- g) The capacity of the car park is 40 spaces, yet the venue looks larger than a 40 capacity venue.
- h) They were going to have to employ more staff to monitor parking to ensure the premises isn't obstructed if this application is granted.

Duncan Craig was then invited to make a closing submission: -

1. The Licensing Act 2003 is a balancing act and it is a matter for the Committee whether they felt that the applicant has taken sufficient steps to ensure the licensing objectives are properly promoted.
2. Refusing the application won't stop the premises opening, it would just limit the last hour of trading.
3. The applicant hadn't taken the objections seriously.

Steve Poppit was then invited to make his closing statements but had nothing further to add

Rob Edge, on behalf of the applicant was invited to make his closing submissions: -

1. That staff will ensure that the frontage of the premises is checked for rubbish every day.
2. No bottles will be outside.
3. The car park is an ongoing project, they would be resurfacing it.
4. His client was fully aware of the ambulance service and would employ a steward to ensure that the frontage of the premises is not blocked.
5. The plans were drawn up prior to the fire officer's visit. The fire equipment is located according to the fire officer's recommendations.
6. That a condition about a dispersal plan can be added which will involve traffic management.
7. Shisha was discussed but due to planning issues it is not intended to be used for Shisha.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was sent to all parties as follows;

5/060323

**RESOLVED:-**

That the application by Shvan Abbas Ali for a premises licence in respect of U Wish Lounge, 81 Eyre Street, Ladywood, Birmingham B18 7AD be granted together with the following conditions, which the Sub-Committee determined were necessary to promote the licensing objectives in the Act:

1. The premises shall appoint a steward to supervise the frontage of the premises during the hours of operation, namely from 18.00 hours to 00.00 hours daily, in order to:
  - monitor the parking of patrons' vehicles and to escort patrons' vehicles to ensure that they park properly within the car park, and
  - ensure that the frontage of the Immediate Care Medical premises is left free of patrons' vehicles
2. The premises shall put a dispersal plan in place, including traffic management, to ensure that nuisance to neighbours is minimised

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

The applicant was represented at the meeting by a licensing agent, who addressed the Sub-Committee. The applicant had given full regard to the representations made against the application, but noted that none of the responsible authorities, who were the experts in assessing applications, had objected. The applicant considered that he had submitted a good application with a robust operating schedule, which had not given any of the responsible authorities any cause for concern. His previous experience was predominantly in convenience stores; he had a chain of four such premises, and had also been a

personal licence holder for a number of years.

The applicant noted that the main concern of the objectors related to parking issues; to address this, the applicant felt he had “gone beyond demonstrating due diligence” by leasing the car park opposite the premises for his patrons to use. The car park had originally been in a very bad state, and he had commenced works to bring it up to a better standard - namely by replacing the old chainmail fence to the front with a proper steel fence, and by clearing debris. He had invested £4,500 in refurbishing and replacing the fence and carrying out work within the site. The car park had capacity for approximately 40 to 45 cars.

Additionally, policies and procedures were being put in place to ensure that the U Wish Lounge would fully uphold the licensing objectives. The applicant strongly believed that his venue would be an asset to the area, with a strong management team behind it and robust policies in place to promote the licensing objectives. The waste collection arrangements for the premises were that collections would be made during working hours.

The applicant had noted the importance of diversification of offer in the night time economy within the Ladywood area, and felt that it was essential to ensure that there was an offer for all ages and all tastes. The premises was to be a coffee lounge, and the applicant had invested “time, money and passion” to make it a success without compromising on the licensing objectives; he intended to run the venue in a professional manner. He asked the Sub-Committee to note that alcohol was not requested within the licensable activities.

Members asked about the business model, and the main activity. The application was for regulated entertainment and late night refreshment, and Members queried whether the plan was for the premises to be a shisha lounge. The applicant confirmed that this was “not presently planned”; the U Wish Lounge was a coffee bar with a relatively large kitchen at the rear. It was “a place for people to congregate, sit, eat and drink coffee or soft drinks”.

The Sub-Committee noted that under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk of an undermining of the licensing objectives. The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact undermine the licensing objectives, by hearing the submissions of those making representations.

The Sub-Committee heard from a local business, Urbanworkspace, first. This organisation was represented by counsel, who remarked that the Eyre Street area had “a lot of problems that you would not necessarily expect”; whilst these were not the fault of the applicant, he drew the attention of the Sub-Committee to the low level of police activity in Ladywood at weekends, and remarked that, given the limited

resources, it was difficult to expect them to police the area. However, regardless of that, there were issues in and around Eyre Street which the persons making representations felt had not been properly addressed in the proposed operating schedule.

Counsel noted that the applicant had described the venue as a coffee lounge, and had confirmed to the Members that it was not a shisha lounge. Counsel remarked that if this were to change, the building itself would need to be compliant with the relevant regulations governing shisha lounges. Counsel also took issue with the Plan submitted as part of the application, and queried whether the premises was compliant with the requirements for fire safety.

The problem with parking in the area was described by counsel as “a huge issue”. He pointed to the photographs submitted in the Committee Report, and observed that Eyre Street was quiet until around 02.00 hours, when cars would descend on the local area and would not necessarily be collected the next day. Counsel accepted that parking was not a licensable activity, but said that it could be a matter of public nuisance, and observed that the more licensed premises there were in an area, the more potential there would be for such issues to impact on public nuisance.

Regarding the applicant’s references to the car park for patrons, Urbanworkspace did not see that it looked any different than it had a few months ago, or at least not in terms of the surfacing. The application had included a noise management plan, but not a dispersal policy, which counsel would ordinarily have expected in any large licensed premises such as the U Wish Lounge, and particularly where issues relating to parking, people leaving premises and public nuisance had been raised.

Counsel therefore found it “a little disappointing” that no consideration appeared to have been given to dispersal. He had also not been reassured by the answers given about waste arrangements, given the “huge problems of clearing empty bottles on a Monday morning” experienced by Urbanworkspace. He remarked that he would have expected perhaps more in the application to deal with waste.

Those at Urbanworkspace had significant concerns with the proposed operation, and those worries had been exacerbated by what they saw as the inconsiderate behaviour of the applicant during the period where the works were been carried out. Counsel directed the attention of the Members to a further photograph in the Committee Report, showing debris which had been left by the applicant leaning against a wall owned by Urbanworkspace.

Counsel acknowledged that the decision related to regulated entertainment and late night refreshment, with the terminal hour to be 00:00, but told the Sub-Committee that Urbanworkspace had genuine concerns that the existing problems in the area would get worse if the

application were granted; citing paragraph 14.42 in the Guidance issued under s182 of the Act, he observed that the absence of a designated cumulative impact zone did not prevent an objector making representations on the grounds that the premises would give rise to a negative cumulative impact on one or more of the licensing objectives. He also urged the Sub-Committee to take into account the steps to promote the licensing objectives recommended in the Guidance in terms of whether the application had dealt with the concerns that had been raised, and in determining the steps required to ensure that the licensing objectives were adequately promoted.

Counsel confirmed that Urbanworkspace had two principal concerns – first that the nuisance created by debris/rubbish, and from cars, was going to get even worse as consequence of a grant of a licence to U Wish Lounge, and that those at the premises had not applied their minds sufficiently to those issues. Secondly, there was a further concern about the level of consideration that those at the premises would give to their neighbours once the premises was open.

Counsel asked the Sub-Committee to note that the venue could still open without a licence. He remarked that the attitude of the applicant throughout the course of the last few months had given Urban Workspace “genuine concerns” about the suitability of the applicant to engage with the licensing objectives in an appropriate way.

Members asked what the impact of activity late at night would be, as Eyre Street was not a residential area. Counsel replied that it would be twofold - the debris in the area from people leaving rubbish such as empty bottles, especially as there was nothing in the operating schedule to deal with the removal and clearing of rubbish. Secondly, there was the issue of abandonment of cars, some of them blocking entrances.

Counsel considered that there was a problem with a lack of management responsibility, and whilst he accepted that no licence holder would be able to completely manage the activities of his patrons at all times, those applicants who demonstrated a more robust approach would tend to experience fewer problems. The concern in the instant application was that insufficient attention had been paid to these particular issues.

A lady from Urbanworkspace then addressed the Sub-Committee directly to confirm that abandoned cars created difficulties in getting in and out of their premises. Motorists parked wherever they wanted to park, and would leave their car, but then not come back for it for “a few days”. The secondary issue was rubbish, which those at Urbanworkspace had been clearing up for other businesses; there was an additional problem of persons urinating and vomiting in the vicinity. The lady remarked that she was “not happy” with the situation.

On hearing this, the Chair of the Sub-Committee observed that the

situation described was obviously not anything to do with U Wish Lounge. The lady accepted that, but said that it was a serious issue in surrounding streets, and her concern was that the grant of a licence to U Wish Lounge would exacerbate the problem. She did not feel that the applicant had taken those concerns seriously in respect of the operating schedule, and the steps that he could have taken regarding dispersals and the clearing of rubbish. Her concerns had been heightened by the behaviour of the applicant during the schedule of the works.

The Sub-Committee then heard from another neighbouring business - Immediate Care Medical. This business was situated adjacent to the car park, which itself was directly opposite the U Wish Lounge premises. The company operated a 24/7 ambulance service, which required access round the clock - not only for the ambulance vehicles, but also for the staff who parked in Eyre Street during the day.

The representative who addressed the Sub-Committee explained that the business was a medical company which supplied additional resources to NHS facilities and ambulance trusts, and was therefore a frontline ambulance facility. The primary function of the business was events management - providing medical resources to events, and also passenger transport. Whilst it was not an Ambulance Station as such, the shift times and the responsibilities and commitments to other areas (not only the West Midlands, but the wider Midlands area) meant that it had staff coming and going, and ambulances arriving and leaving, spread throughout the 24 hour clock.

The representative of Immediate Care Medical observed that the street was busy with vehicles due to the various business premises that operated there, but drew attention to the problem of abandoned vehicles which had been raised by the first objector. He asked the Sub-Committee to consider access to premises, and the ability of staff to park at the location. Regarding the car park, he agreed that in recent weeks there had been “a number of man hours” adding the new fencing; however, the surface remained “pretty poor”, and also there was no street lighting around the car park itself.

After speaking to the applicant, he had got the impression that the applicant had not realised that Immediate Care Medical was a 24/7 operating business or that it involved ambulances. The applicant had indicated to him that the U Wish Lounge premises would be a coffee lounge offering soft drinks and light refreshments; there had also been a general conversation about shisha. In conversation the applicant had described his prospective patrons as “high end”, and had said that his patrons’ vehicles would be of a similar standard.

The concern of Immediate Care Medical was whether those driving high-end vehicles would be inclined to park on “a very uneven car park surface and particularly one with low level lighting”. It was more likely that the inclination would be to park as close as possible to the venue,

where there would be CCTV coverage. The applicant had said that the parking space along Eyre Street, outside business premises, would be empty in the evening and at late hours. However, Immediate Care Medical felt that any vehicles left beyond that period would have significant impact and potentially block access.

The representative of Immediate Care Medical observed that he did not feel satisfied that the concerns he had raised had been addressed, although he accepted that the applicant had spent a significant sum on the refurbishment of the car park.

The representative stated that another concern that his business would have was that the street would be subject to litter and debris. He had not found the arrangements for waste collection described by the applicant to be sufficiently clear, and asked whether “normal operating hours” meant the normal operating hours of the venue, or the normal operating hours of the waste collection management company. He observed that other businesses had waste collected at times that had little or no impact on other businesses in the area.

Regarding the forty parking spaces in the car park, the representative remarked that the U Wish Lounge was quite extensive, and he felt that the capacity could be more than the occupants of forty vehicles; he was therefore worried about the overspill and the potential for the blocking of access and egress to the Immediate Care Medical building. He observed that if the application were to be approved then Immediate Care Medical would be considering hiring additional security or staff to ensure that the access was not obstructed. He said that this would be an additional precaution that Immediate Care Medical would have to take, through no fault of its own, just to maintain business as usual.

Counsel for Urbanworkspace made closing submissions about the balancing exercise to be conducted by the Sub-Committee between the legitimate business interests of neighbours, and the applicant. The people who would be more impacted by the U Wish Lounge activities would be those that were closest. The neighbouring businesses did not accept or believe that the applicant had considered their concerns; this was why matters had not been resolved between the parties in advance of the meeting.

Counsel remarked that it was a matter for the Sub-Committee to evaluate whether it felt that sufficient steps had been taken, and thereafter to either impose the appropriate steps, or if the concerns raised by more than one party in the local area were sufficiently serious, to reject the application. He reminded the Sub-Committee that such a decision would not mean the business would not be able to open at all, and urged the Members to take into account the concerns that had been raised in the objections.

The applicant, via his agent, then addressed the points that had been



raised. He noted that within the application, under the prevention of public nuisance objective in the operating schedule, he had said that the premises' staff would ensure that the frontage of the restaurant was checked regularly for litter and rubbish, clearing any debris away. Additionally, there was a provision that no rubbish, including bottles, would be moved, removed or placed in outside areas between 23.00 and 08.00 hours.

Regarding the car park, which was an "ongoing piece of work", to date the applicant had spent £4,500 replacing the fencing and removing rubbish, and was now in the process of appointing a contractor to resurface the car park. The applicant was fully aware of the ambulance service and had "allocated a steward to the frontage of the premises to monitor the parking of vehicles, particularly to escort vehicles in to make sure that they park properly within the car park and don't block each other."

The applicant added that having spoken to Immediate Care Medical, U Wish Lounge would now add to the steward's role, such that the steward would ensure that Immediate Care Medical's frontage "was permanently left free so that vehicles would not cause any disturbance and block the ambulances in".

Regarding the concerns raised over the Plan and the fire equipment, the Plan had been drawn up prior to the fire officer's visit. Since then, the applicant had set up firefighting equipment within the premises according to the recommendations of the fire officer. Thereafter, the fire officer had found all fire safety aspects to be satisfactory, such that he had not made any representations against the grant of the licence.

The applicant fully took on board the point about a dispersal plan, and was willing to "volunteer as a condition that a dispersal plan will be in place that would involve traffic management". He intended to continue to engage with both of the objectors, and with other neighbours, to ensure that all could operate harmoniously together, and to ensure that the U Wish Lounge premises would not give cause for concern - particularly regarding noise, public nuisance or traffic management.

The management team were drawing up policies and procedures to ensure that the venue would run effectively and efficiently, and that appropriate measures would be in place. The premises did not open until 18.00, and would close at 00.00 hours. In that sense, it was very much unlike other licensed premises within the area. The agent reiterated that there was no intention to offer shisha, as the applicant was aware that he would need to have gone through the Planning process for the correct extraction arrangements.

Upon hearing this, counsel for Urbanworkspace asked for clarification that from 18.00 until 00.00, seven days a week, there would be a permanent steward outside the front of the premises. The agent confirmed that this was correct, and stated that it had not been in the

original operating schedule as it had been something that “came out in conversation with the applicant after the visit to the premises by Immediate Care Medical”. The applicant wanted to demonstrate “a higher level of due diligence”, and to allay concerns that the objectors had about patrons parking in front of the ambulance bays. Counsel for Urbanworkspace observed that this offer had not been mentioned in the applicant’s presentation.

When deliberating, the Members carefully considered the representations made by those who had objected to the application, and considered that the adoption of the measures volunteered by the applicant would be sufficient to cover any potential negative effect on the licensing objectives, particularly the issues of public nuisance which had been raised.

The Members did not find all of the representations to be wholly persuasive, as many of the points made about waste/rubbish problems related to pre-existing issues which were being caused by other premises; the Members considered that it was rather speculative for the objectors to feel that the “coffee lounge” style operation which had been proposed by the U Wish Lounge would contribute to any significant degree to these pre-existing issues. The premises would be offering regulated entertainment and late night refreshment only – alcohol was not part of the offer - and the terminal hour was to be 00.00 daily.

The Sub-Committee noted that counsel for Urbanworkspace had drawn its attention to paragraph 14.42 of the Guidance issued under s182 of the Act. The Sub-Committee accepted that the absence of a cumulative impact zone did not prevent any responsible authority, or other person, making representations against an application on the grounds that the premises would give rise to a negative cumulative impact on one or more of the licensing objectives. The Sub-Committee was aware that cumulative impact considerations could apply to the impact of a concentration of any licensed premises, including those licensed to provide late night refreshment.

However, the Sub-Committee noted that the Guidance issued under s182 was that in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact; given that the U Wish Lounge was a coffee lounge, the Members were not persuaded that there would in fact be any such risk of a ‘cumulative impact’ on the licensing objectives. The conditions offered by the applicant during the meeting were suitable to cover the potential for an exacerbation of existing issues.

The Sub-Committee noted that the applicant was an experienced person who operated a chain of convenience stores. Certainly the concerns about the potential for risks to the upholding of the licensing objectives were not shared by any of the responsible authorities. The Members felt the conditions offered by the applicant (via his agent)

during the meeting to be more than sufficient in terms of ensuring the upholding of the licensing objectives.

The Members therefore concluded that by granting this application, together with the conditions offered by the applicant in the meeting, the licensing objectives contained in the Act would be properly promoted. The Sub-Committee was satisfied that trading would be safe, and also noted that the applicant was an experienced person who had managed other licensed premises with no issues.

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

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

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**EXCLUSION OF THE PUBLIC**

5/060323

**RESOLVED:-**

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

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CHAIR.....



# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 24<sup>th</sup> April 2023</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Variation</b>
<b>Premises:</b>	<b>Diamond Lounge, 17-19 Barr Street, Newtown, Birmingham, B19 3EH</b>
<b>Ward affected:</b>	<b>Newtown</b>
<b>Contact Officer:</b>	<b>Bhapinder Nandhra, Senior Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

To consider relevant representations that have been made in respect of an application to vary the Premises Licence which initially sought to extend the hours for the Sale of Alcohol (for consumption on the premises), to operate from 10:00am until 01:30am (Monday to Wednesday) and 10:00am until 05:00am (Thursday to Sunday).

To extend the provision of Regulated Entertainment consisting of recorded music, to operate indoors only, from 11:00pm until 01:30am (Monday to Wednesday) and 11:00pm until 05:00am (Thursday to Sunday).

The provision of late night refreshment, to operate indoors only, from 11:00pm until 01:30am (Monday to Wednesday) and 11:00pm until 05:00am (Thursday to Sunday).

Premises to remain open to the public from 10:00am until 02:00am (Monday to Wednesday) and 10:00am until 05:30am (Thursday to Sunday).

After discussions with West Midlands Police the applicant has agreed to cease all licensable activities at 01:30am (Monday to Wednesday), 03:00am (Thursday) and 04:30am (Friday to Sunday).

### 2. Recommendation:

To consider the representations that have been made and to determine the application, having regard to:

- The submissions made by all parties
- The Statement of Licensing Policy
- The Public Sector Equality Duty
- The s182 Guidance

### 3. Brief Summary of Report:

Variation application received on 28<sup>th</sup> February 2023 in respect of Diamond Lounge, 17-19 Barr Street, Newtown, Birmingham, B19 3EH.

Representations have been received from Environmental Health as a responsible authority, and from other persons.

<b>4. Compliance Issues:</b>
<b>4.1 Consistency with relevant Council Policies, Plans or Strategies:</b>
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.

<b>5. Relevant background/chronology of key events:</b>
<p>Ghebremichael Habtom applied on 28<sup>th</sup> February 2023 to vary the Premises Licence for the Diamond Lounge, 17-19 Barr Street, Newtown, Birmingham, B19 3EH.</p> <p>A representation has been received from, Environmental Health as responsible authority, which is attached at Appendix 1.</p> <p>A representation has been received from other persons, which is attached at Appendix 2.</p> <p>The application is attached at Appendix 3.</p> <p>Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 4.</p> <p>The current Premises Licence is attached at Appendix 5.</p> <p>Site Location Plans at Appendix 6.</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"> <li>a. The prevention of crime and disorder;</li> <li>b. Public safety;</li> <li>c. The prevention of public nuisance; and</li> <li>d. The protection of children from harm.</li> </ul>

<b>6. List of background documents:</b>
<p>Copies of the representations as detailed in Appendices 1 and 2.</p> <p>Application Form, Appendix 3.</p> <p>Conditions agreed with West Midlands Police, Appendix 4.</p> <p>Current Premises Licence, Appendix 5.</p> <p>Site Location Plans, Appendix 6.</p>

<b>7. Options available</b>
<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>

**From:** Martin Key  
**Sent:** 20 March 2023 13:58  
**To:** Licensing  
**Cc:**  
**Subject:** Licensing Act 2003 Variation - Diamond Lounge  
**Importance:** High

Hi

I am responding to this application to vary a licence application on behalf of Environmental Health as a responsible authority and I formally raise a representation based on my concerns that the variation of the licence will not support the promotion of the licensing objective relating to the prevention of public nuisance..

The application from Habtom Ghebremichael is seeking to vary the premises licence number 5256 to increase hours for the provision of Regulated entertainment, Late Night refreshment and Sale of alcohol on the premises with a terminal hour of 01.30 Monday to Wednesday and 05.00 Thursday to Sunday. This amounts to an extension of one hour 30 minutes however I would note that there are some inconsistencies in the form as it appears they are now seeking hours for regulated entertainment that begin at 23.00 which is significantly different to the existing premises licence. The site is located in a mixed-use area however directly opposite are premises with residential use and there are large residential regeneration schemes on this road. The premises has planning consent for commercial use and there is no permission for any form of bar, nightclub or restaurant.

The premises have been subject to noise complaints over a period of time and investigations have been impacted by COVID and changes in operator. However the noise complaints relate to both noise breakout from the premises and noise from patrons and vehicles in the street and associated behaviours. The premises are directly opposite residential use and there is now new extended residential use in the area and the existing operations are already creating adverse impacts and this department is currently considering further action. The premises lack effective noise mitigation design and have an external smoking area and my concerns relate to both music noise breakout, noise from patrons in the external smoking area and access, egress and vehicles on the street. I note the applicant has provided additional conditions however none of these would address the primary issues which are the premises' lack effective noise mitigation measures and controls.

My concern is that the use is out of character of the area and has no planning consent. The conditions that do not address the impacts and the proposed hours I am unable to support this application.

Based on the information provided I am concerned that there will be a significant noise impact from building breakout, patrons using external areas and noise from patrons exiting and entering the premises.

The fundamental issue is the extended hours when the premises are already causing impact and given the location I cannot support the extended hours requested and my concerns could not be addressed by conditions hence my representation.

Best Regards

Martin Key on behalf of Pollution Team  
Environmental Protection Officer

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Environmental Protection Unit  
Regulation & Enforcement  
City Operations Directorate  
Birmingham City Council

**From:**

**Sent:** 28 March 2023 17:16

**To:** Licensing

**Subject:** 17-19 Barr Street - Objection

Dear Licensing,

I wish to object to the proposed variation of the premises licence at 17-19 Barr Street, Birmingham, B19 3EH ("the Premises"). I am a local resident who lives in Gilders Yard, a residential development of which the back directly faces the Premises across the road.

**The Variation**

The requested variation, is laid out as follows

- Increase the times for the provision of Regulated entertainment, Late Night refreshments, and the Sale of alcohol on the premises; and
- New Times: Monday to Wednesday 10:00 - 01:30. Thursday to Sunday 10:00 – 05:00.

Collectively known as "the Variation", as requested by Habtom Ghebremichael "the Licensor".

**The Surrounding Area**

The Premises are located directly opposite a large apartment building (Gilders Yard) and approximately 80m from another new apartment building under construction (The Lamp Works).

The surrounding area is one of light industrial, small non-licensed retail, and due to its proximity to the Jewellery Quarter – increasingly of a dense residential nature.

The Premises are the only nightclub in the area. The closest comparison would be Hockley Social Club, but it is bounded by schools, a church, and light industry. There are no nearby residential units around that premise at all.

**The Licensing Objectives**

The Licensing Act 2003 lists the following objectives to be upheld by a licensing authority.

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

For the reasons I set out below, I do not believe that the Variation would be in accordance with these objectives.

**The Prevention of Crime and Disorder & Public Safety**

On the morning of 13 November 2022 an altercation started inside the Premises which then continued outside on Barr Street. This culminated in the arrival of police at the Premises at 5am with the street then cordoned off the next morning and the arrival of forensics to collect samples from the street.

Considering this is an otherwise quiet residential street, the Premises has inflicted considerable crime and disorder upon the neighbourhood. This type of crime and disorder is otherwise wholly out of character for the area and can be wholly attributed to the Premises.

I would like to query whether as part of consideration of the Variation, whether input has been sought from West Midlands Police to see if they believe the proposals put forward by the Licensor are appropriate given the Premises' previous history?

**The Prevention of Public Nuisance**

Due to its proximity to a large number of residential units the Premises creates a substantial source of public nuisance, particularly to Gilders Yard which is situated directly across the street from the Premises. Should the Variation be granted then this would only be increased.

Considering that this Variation would also affect future residents in the area, such as once construction has been completed at The Lamp Works, the nuisance will only further increase.

Because of the extremely poor noise insulation at the Premises it is clearly audible throughout its operating hours and prevents opening of windows in nearby residential units during the night and requires the use of



earplugs/white noise to sleep properly. The bass emanating from the Premises is very noticeable, and disappointingly continues to be after their recent renovations. The nuisance will be exacerbated during the warmer months when naturally windows will need to be opened but won't be able to due to the noise emitted by the Premises.

Under the previous licence conditions held by the Licensor in connection with Premises there were repeated breaches in relation to the hours of operation. This is something that I previously raised with Birmingham City Council licensing, leading them to liaise with the Licensor.

The granting of extended licensing conditions would therefore appear to be inconsistent with section 7.2 of the Interim Statement of Licensing Policy 2020 as published by Birmingham City Council, given previous documented breaches.

The Birmingham Big City Plan ("Big City Plan") identifies St George's and St Chad's industrial and residential communities. It also mentions the increasing number of residential units in the area, and the focus of entertainment/leisure in "*Broad Street, St Paul's Square and Digbeth High Street*". It does not identify the area as one looking to focus on entertainment, particularly as it would affect elements which it is explicitly focusing on.

Because Barr Street is not in an area which is designated or planned for this type of late-night entertainment, it not only disproportionality affects neighbours but also lacks the infrastructure to cope with the influx of people that establishments in other parts of the city benefit from. Compared to areas that the Big City Plan identifies for entertainment, Barr Street has

- poor transportation links. Due to the lack of a taxi rank or proper parking outside the Premises (as it is on a residential street) this causes a great deal of congestion (and subsequently noise through horns blaring) when taxis and other cars come to pick up patrons at the end of an evening. This lasts for up to 30 minutes;
- poor waste disposal and street cleaning. As this is a residential street there are no public bins for the disposal of waste. The waste from patrons inevitably ends up on the street leading to an unsightly mess. Because this is a residential area there is infrequent street cleaning to tidy the mess left caused by the Premises; and
- poor oversight and security. This can be seen by the events of 13 November 2022. Ultimately the Premises is on a little used side street which would be unreasonable for police & paramedics to maintain a permanent presence on, such as they do at more established areas of the city.

Approving the Variation would not only cause considerable public nuisance to neighbours, but also be at odds with the Big City Plan.

### **Summary**

For all of the reasons above I ask that the requested Variation not be approved.

Kind regards,



**Birmingham**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensingonline@birmingham.gov.uk](mailto:licensingonline@birmingham.gov.uk)  
 Telephone: 0121 303 9896

\* required information

**Section 1 of 18**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

#### Address

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text"/>

#### Agent Details

* First name	<input type="text" value="Mijanur"/>	
* Family name	<input type="text" value="Rahman"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
- ☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

#### Agent Business

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number	<input type="text" value="7021919"/>
Business name	<input type="text" value="Optimised Training Centre"/>
VAT number	<input type="text" value="-"/>
Legal status	<input type="text" value="Private Limited Company"/>
Your position in the business	<input type="text" value="Manager"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.  
Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

Building number or name	Optimised Training Centre
Street	1 Guildford Street
District	
City or town	Birmingham
County or administrative area	
Postcode	B19 2HN
Country	United Kingdom

**Section 2 of 18**

**APPLICATION DETAILS**

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

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

\* Premises Licence Number 5256 / 2

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

☒ Address ☐ OS map reference ☐ Description

**Postal Address Of Premises**

Building number or name	Diamond lounge
Street	17-19 Barr Street
District	
City or town	Birmingham
County or administrative area	
Postcode	B19 3EH
Country	United Kingdom

**Premises Contact Details**

Telephone number	
Non-domestic rateable value of premises (£)	5,500

**Section 3 of 18**

**VARIATION**

Continued from previous page...

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

☒ Yes ☐ No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

☐ Yes ☒ No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

Increase opening hours with the provision of Regulated entertainment, Late Night refreshment and Sale of alcohol on the premises.

#### Section 4 of 18

##### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 5 of 18

##### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 6 of 18

##### PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Continued from previous page...

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

☐ Yes ☒ No

#### Section 7 of 18

##### PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 8 of 18

##### PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

☐ Yes ☒ No

#### Section 9 of 18

##### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

☒ Yes ☐ No

##### Standard Days And Timings

###### MONDAY

Start

End

Start

End

###### TUESDAY

Start

End

Start

End

###### WEDNESDAY

Start

End

Start

End

###### THURSDAY

Start

End

Start

End

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

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music.

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

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

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

Section 10 of 18

#### PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

☐ Yes ☒ No

Section 11 of 18



Continued from previous page...

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☒ Yes

☐ No

**Standard Days And Timings**

**MONDAY**

Start

End

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

Start

End

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End



Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

☒ Indoors      ☐ Outdoors      ☐ Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations.

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

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

#### Section 13 of 18

#### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes      ☐ No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start 10:00

End 01:30

Start

End

THURSDAY

Start 10:00

End 05:00

Start

End

FRIDAY

Start 10:00

End 05:00

Start

End

SATURDAY

Start 10:00

End 05:00

Start

End

SUNDAY

Start 10:00

End 05:00

Start

End

Will the sale of alcohol be for consumption?

- ☒ On the premises ☐ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

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

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

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

Section 14 of 18

ADULT ENTERTAINMENT

*Continued from previous page...*

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

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

NONE

#### Section 15 of 18

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

###### MONDAY

Start 10:00

End 02:00

Start

End

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

###### TUESDAY

Start 10:00

End 02:00

Start

End

###### WEDNESDAY

Start 10:00

End 02:00

Start

End

###### THURSDAY

Start 10:00

End 05:30

Start

End

###### FRIDAY

Start 10:00

End 05:30

Start

End

###### SATURDAY

Start 10:00

End 05:30

Start

End

###### SUNDAY

Start 10:00

End 05:30

Start

End

State any seasonal variations.

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

Continued from previous page...

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Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

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

--

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

NONE
------

☒ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

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

--

#### Section 16 of 18

#### LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

A Challenge 25 policy will be strictly followed by all staff. Staffs are trained as appropriate in respect of relevant licensing law. The open nature of the Lounge allows for good viewing coverage. CCTV is installed covering both inside and outside the premises. SIA approved door staff will be recruited.
---

b) The prevention of crime and disorder

A Challenge 25 policy will be strictly followed by all staff. No member of staff shall be permitted to sell alcohol until trained in the operation of the Challenge 25 policy. Any person who appears to be under the age of 25 who attempts to buy alcohol shall be challenged to provide age verification in the form of a passport, photo driving licence or PASS accredited card. Where proper verification is not provided the sale shall be refused. A record of the refusal shall be kept in the refusals log, identifying the member of staff who refused the sale.
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Staff other than personal license holders involved in the sale/ supply of alcohol are to receive documented refresher



*Continued from previous page...*

training every six months.

The premises will deploy door staff from 22.00hrs when trading past 22.00hrs. Door staff will sign on and off duty. The premises will keep a profile of all door staff which will include a copy of their SIA licence and photographic ID. (If photographic ID is not available then a utility bill no older than 3 months will be acceptable.) The signing in & out sheets and profiles will be kept on the premises for a minimum of 3 months and made immediately available to any of the responsible authorities on request. Door staff will wear a fluorescent coat, jacket or waistcoat while on duty at the premises. Door staff will remain on duty until all the customers have dispersed.

The numbers of door staff and any earlier start time will be risk assessed by the premises. This risk assessment will be made available to any of the responsible authorities immediately on request.

The premises will operate a search policy. The policy will be made available to any of the responsible authorities on request.

The premises will operate a vulnerability policy. The policy will be made available to any of the responsible authorities on request.

The premises will operate a dispersal policy. The policy will be made available to any of the responsible authorities on request.

CCTV that is approved by West Midlands police will be fitted in the premises. Images will be retained for a period of at least 31 days and will be made available to any of the responsible authorities to view or copies produced on request. If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request.

All windows to be closed and remain closed while regulated entertainment is taking place after 20:00 hours except for ingress and egress or cases of emergency.

Once each week the CCTV system will be checked by the DPS or their nominated deputy. The time and date of the check the identity of the checker and the result of the check will be recorded in the incident log for the premises.

Door staff will remain on duty until all the customers have dispersed and this will form part of the premises dispersal plan

If the premises is hired out or any promoted event with/by a third party the premises will notify West Midlands Police Central Licensing Team (by email) a minimum of 28 days prior to the event taking place. This notification will be accompanied by a risk assessment tailored for that event. As well as the security plan the risk assessment will include the names, addresses and dates of birth of the person(s) hiring the room or promoter. It will also include the real names and stages names of any artist, DJ, band or performer. Any recommendations made by West Midlands Police in relation to an event will become conditions of the premises license for that event. West Midlands Police retain a right of veto for any event proposed.

The premises will be free of customers half an hour after the conclusion of licensable activity.

The premises is to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY".

All persons (including staff, DJs and entertainers) entering the premises whenever licensable activities are being carried on will be subject to a search. This search will include a full body search and metal detection. Each of those activities will be undertaken by a separate door supervisor.

No person will be allowed entry to the premises after 02:30 hours, save for re-entry for persons who were on the premises before 02:30 hours. Every person re-entering the premises will be strictly subject to the body and metal detection searches.

A refusals log will be maintained at the premises. Each entry will be signed off by the DPS.

**Continued from previous page...**

An incident log will be maintained at the premises. Each entry will be signed off by the DPS.

The Designated Premises Supervisor or other competent person shall carry out observations in the vicinity of the premises on at least two intervals between 20:00 and midnight (Monday – Wednesday) and 20:00 and 05:00 (Thursday - Sunday) whilst recorded music is playing in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept, records shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Records shall be available at all times upon request to an authorised officer of the Licensing Authority, Environmental Health Department or the Police.

**c) Public safety**

A fire risk assessment will be conducted. Any findings will be actioned and the premises made safe in the allocated time of the risk assessment.

All sofas and furnishings will comply with the BS 7166 regulations (to a minimum of crib ignition source 5)

Suitable fire alarm will be installed which meets the BS 5839 standards and a copy of the certificate will be made available to responsible authorities. The system will be tested weekly and records will be kept. Any faults will be recorded and rectified by an approved competent person.

The emergency lighting system will be installed to the BS 5266 standards to ensure all exits routes are illuminated in the event of a power failure. The system will be tested monthly, and records kept.

The Designated Premises Supervisor is aware of his responsibilities to the staff and customers in respect of public safety and will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations.

**d) The prevention of public nuisance**

All deliveries will be received between 10:00 and 18:00.

The Designated Premises Supervisor or other competent person shall carry out observations in the vicinity of the premises on at least two intervals between 23:00 and 02:00 (Monday – Thursday, Sunday) and 23:00 and 06:00 (Friday and Saturday) whilst live music or recorded music is playing in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept, records shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Records shall be available at all times upon request to an authorised officer of the Licensing Authority, Environmental Health Department or the Police.

All doors shall be kept closed except for the purpose of access/egress during the performance of regulated entertainment.

The Licence Holder shall erect prominent, clear and legible signage inside the premises requesting patrons to be considerate of local residents when leaving the premises.

**e) The protection of children from harm**

We recognise the importance of protecting children from harm and this is supported by our commitment to health and safety in the operation and maintenance of the premises and also our approach to managing the risk of under age drinking.

The Designated Premises Supervisor and staff will at all times remain aware of their responsibilities under the objective, including that alcohol shall not be sold to anyone under the age of 18. Staff on duty will be trained and made aware of a challenge 25 policy and the requirements and the need to demand an acceptable form of age id. Training records will be maintained and updated by DPS every six months.



*Continued from previous page...*

No adult entertainment is permitted at these premises

No persons under the age of 18 will be allowed to be on the premises after 2200 hours.

#### **Section 17 of 18**

#### **NOTES ON REGULATED ENTERTAINMENT**

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

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
  - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

*Continued from previous page...*

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

#### **Section 18 of 18**

#### **PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at <https://www.tax.service.gov.uk/business-rates-find/search>

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00\*

Band E - £125001 and over - £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 - £1,000.00

Capacity 10000 -14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

\* Fee amount (£)

190.00

#### **DECLARATION**



*Continued from previous page...*

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

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name   
\* Capacity   
\* Date  /  /   
dd mm yyyy

[Add another signatory](#)

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

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

From: Optimised Training Centre  
Sent: 14 March 2023 12:52  
To: Mark Swallow  
Subject: [External]: Re: Diamond Lounge Conditions

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Hi Mark,  
We are happy to accept the conditions.

Kind regards  
Mij

On 14/03/2023 09:13 AM, Mark Swallow wrote:  
Mij,

As discussed on the phone, we would suggest the following.

- \* Monday to Wednesday licensable activity to conclude at 0130.
- \* Thursday licensable activity to conclude at 0300.
- \* Friday to Sunday licensable activity to conclude at 0430.
  
- \* The licence holder shall maintain and operate an ID Scan to all persons entering the premises whenever licensable activities are being carried on. The premises is to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY".
  
- \* Simon Mebrahto will play no part in the running or management of the premises.
  
- \* The Designated Premises Supervisor or other competent person shall carry out observations in the vicinity of the premises on at least two intervals between 20:00 and midnight (Monday - Thursday) and 20:00 and 04:00 (Friday - Sunday) whilst recorded music is playing in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept, records shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Records shall be available at all times upon request to an authorised officer of the Licensing Authority, Environmental Health Department or the Police.
  
- \* No person will be allowed entry to the premises after 02:00 hours, save for re-entry for persons who were on the premises before 01:30 hours. Every person re-entering the premises will be strictly subject to the body and metal detection searches.

Mark.



# LICENSING ACT 2003

## PREMISES LICENCE

Premises Licence Number:

5256 / 2

### Part 1 - Premises details:

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

Diamond Lounge  
17-19 Barr Street

**Post town:**

Birmingham

**Post Code:**

B19 3EH

**Telephone Number:**

Not Specified

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

F Recorded music  
L Late night refreshment  
M1 Sale of alcohol by retail (on the premises)

**The times the licence authorises the carrying out of licensable activities**

Sunday - Thursday	10:00	-	01:30	F ,M1
	23:00	-	01:30	L
Friday - Saturday	10:00	-	03:30	F ,M1
	23:00	-	03:30	L

**The opening hours of the premises**

Sunday - Thursday	10:00	-	02:00
Friday - Saturday	10:00	-	04:00

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

On Supplies

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Mr Habtom Ghebremichael	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	
<b>Email</b>	

<b>Registered number of holder for example company number or charity number (where applicable)</b> N/A
---

<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Mr Habtom Ghebremichael	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b> 10325	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

*Dated 14/07/2022*

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.

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**

All Staff will be trained in respect of the four licensing objectives. All training will be documented, kept on site, signed as received by each member of staff and produced to an authorised person upon request. Refresher training will be carried out every 12 months.

The Designated Premises Supervisor will monitor levels of noise from both inside and outside the premises and remedial action will be taken. A record will be kept of this and produced to an authorised person upon request.

There is a strong management and security procedures in place which encompasses the four licensing objectives as below.

A Challenge 25 policy will be strictly followed by all staff.

The open nature of the premises allows for good viewing coverage.

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

CCTV is installed both inside and outside the premises. C

CTV will be recording at all times the premises are open for any licensable activities and images will be held for a minimum of 28 days and made available immediately on request by any of the Responsible Authorities.

The Premises License Holder will ensure that a trained member of staff will be on duty and be available to download the CCTV to any of the Responsible Authorities.

The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol.

Any person who appears drunk /aggressive will not be permitted on the premises.

The premises will produce a risk assessment for the operation of the premises. This RA will be shared with WMP licensing team, and will be reviewed when needed. The RA will cover the need to have SIA door supervisors at the premises.

The Premises Licence Holder will maintain a refusals book (or refusal button on EPOS - Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18. The refusal book or record of till recorded refusals must be made available to any Responsible Authority on request.

The Premises Licence Holder shall ensure that an incident book will be kept on the premises to record all incidents that occur inside or immediately outside the premises, irrespective of whether any of the emergency services have been called. This book will be made available for inspection at any time by any Responsible Authority.

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

The premises licence holder will fully support any directives received from the authorities.

Floor staff will conduct physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the management.

The Designated Premises Supervisor is aware of her responsibilities to the staff and customers in respect of public safety and will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations.

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

All deliveries will be received during daytime prior to 18:00 to control noise nuisance. In conjunctions with the steps proposed for the prevention of crime and disorder objectives, the Licensees and staff will at all times remain responsible for the prevention of public nuisance in and around the premises.

The Designated Premises Supervisor will arrange to monitor levels from both inside and outside the premises and remedial action will be taken as appropriate.

Doors and windows will be kept closed as deemed necessary by the Designated Premises Supervisor.

A notice will be displayed at the exit of the premises requesting that customers leave quietly and be respectful to neighbours.

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

The Designated Premises Supervisor and staff will at all times remain aware of their responsibilities under the objective, including that alcohol shall not be sold to anyone under the age of 18.

Staff on duty will be trained and made aware of the challenge 25 policy and the requirements and the need to demand an acceptable form of age ID.

No adult entertainment is permitted at these premises

No persons under the age of 18 will be allowed on the premises after 22:00 hours unless accompanied by an adult.

A Challenge 25 poster will be displayed on the premises.



**Annex 3 – Conditions attached after hearing by licensing authority**

**3a) General committee conditions**

N/A

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

N/A

**3c) Committee conditions to promote public safety**

N/A

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

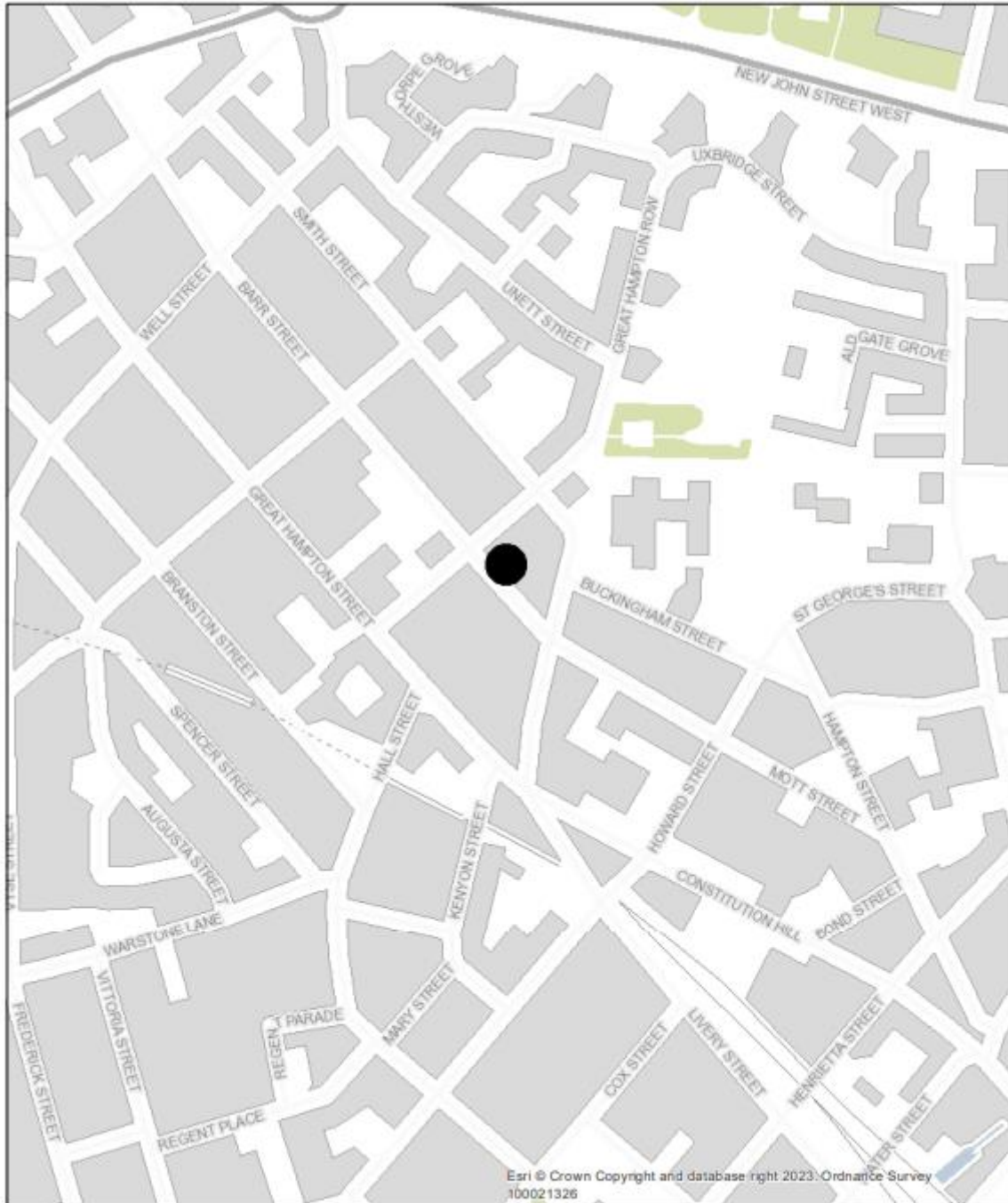
N/A

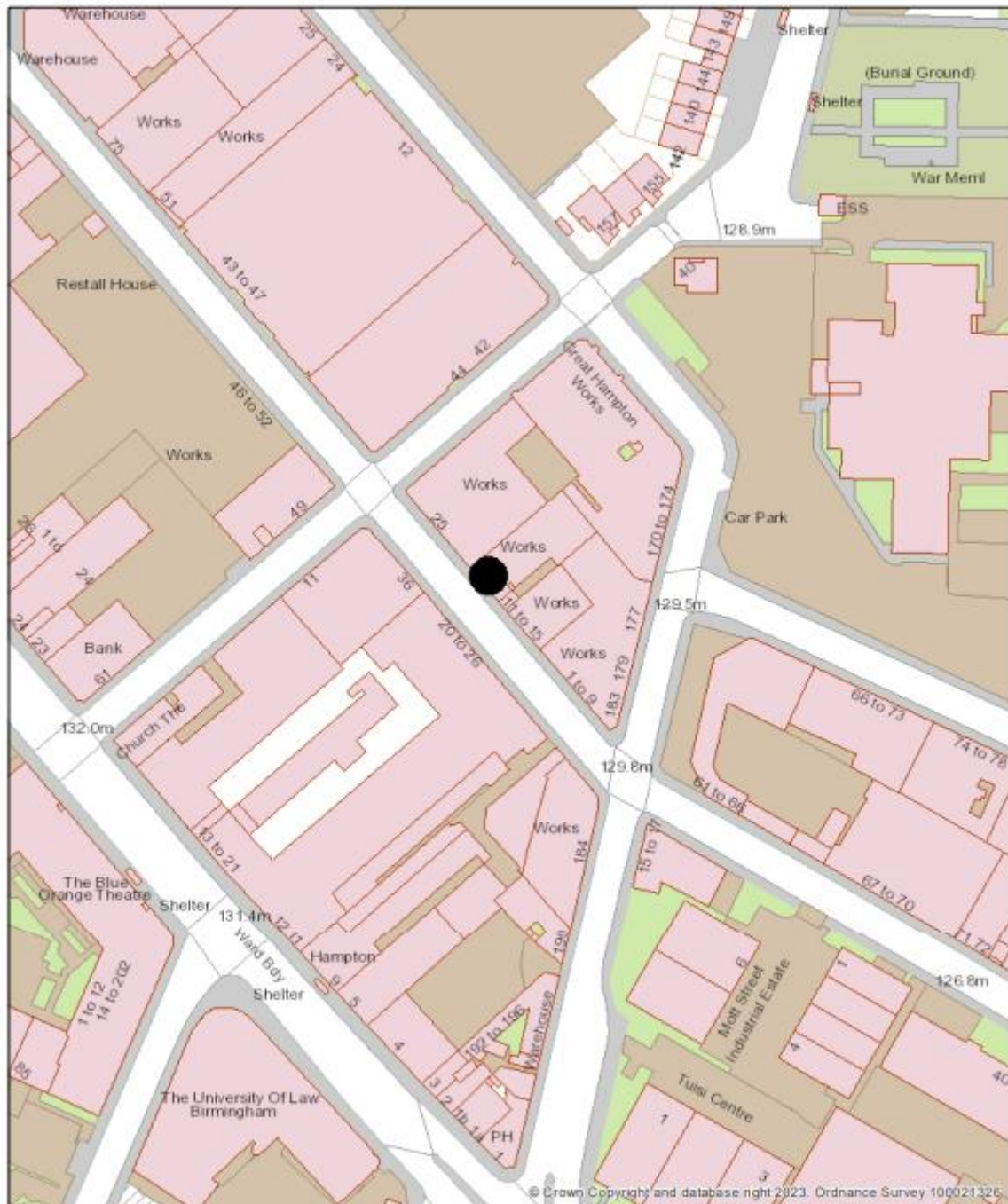
**3e) Committee conditions to promote the protection of children from harm**

N/A

#### **Annex 4 – Plans**

The plan of the premises with reference number **125442-5256/2** 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.





**From:** Duncan Craig

**Sent:** 21 April 2023 16:37

**To:** Licensing

**Cc:** Martin Key

**Subject:** RE: Licensing Act 2003 (Variation) RE: Diamond Lounge, 17 -19 Barr Street, Newtown, Birmingham, B19 3EH

Dear Licensing

Apologies, in my previous email I forgot to state that the applicant has also instructed me to offer a further two conditions as follows:

- The premises will have an operational dispersals policy and noise management plan
- The smoking area will be cleared of patrons from 3:30am

Please could this email also be placed before members in advance.

Once again, I have copied Environmental Health.

Many thanks.

Kind regards,

Duncan Craig

Barrister



Diamond Lounge  
Noise Management Plan and Dispersal Policy  
April 2023

DISPERSALS

The premises is committed to the safe, orderly and effective dispersal of all patrons

The dispersal procedure (around the terminal hour) is dedicated to make the maximum contribution by exercising positive measures, towards and at the end of trading, in moving customers from the venue and its immediate area in such a way as to cause minimum disturbance and/or nuisance to ensure the minimum impact upon the neighbourhood in relation to potential nuisance, anti-social behaviour and associated crime.

It is recognised that the sudden emergence of patrons from the Diamond Lounge into the external space at the terminal hour may cause noise and lead to anti-social or offending behaviour. Accordingly, the following control measures have been put in place:

- Staff shall be proactive in advising customers to vacate the environs of the premises quietly and with respect for others. It is to be made clear that any transgressors will not be welcome back to the premises in future.
- The premises will have a system to ensure that patrons leave gradually over a period by utilising the door staff and operating a zonal system in the licensable area of encouragement of patrons to leave the premises when licensable activities cease.
- A notice shall be clearly displayed by the exit door reminding guests to leave the premises and area quietly, respect our neighbours.
- A permanent taxi facility is available nearby and patrons will be advised of this information via notices displayed within the premises. If it is within permitted hours the customers should be asked to remain inside the premises pending the arrival of the taxi. The appointed taxi firm should be asked to instruct their drivers to ring the premises or the customer on arrival or go to the premises to notify their customer of their arrival and not to sit outside blowing their horns.
- When customers have dispersed, staff outside the premises will check the immediate vicinity to ensure that no glass or undue rubbish is left lying around.

- Staff will invariably leave the premises much later than customers will. Their behaviour can impact on local disturbance also and have therefore been instructed to leave quietly. Failing to do so could seriously undermine the licensing objectives.
- Any patron who fails or refuses to leave the area, or takes drinks outside the premises, will be initially firmly engaged by staff in an effort to make them comply and will be (inter alia) given the following suggestions and assistance:
  - Calling a taxi
  - Provide information on local bus/trains
  - Help to locate friends
  - Call someone for them
 in order to assist with their swift dispersal from the area.

If none of the above options/assistance is effective, then the premises will call for assistance from West Midlands Police.

Each incident where patrons have failed to disperse, despite the foregoing efforts of the premises, will be logged in the incident book, including, where possible, the name of the patron(s) for future reference.

- Anyone hiring the venue will be subject to this dispersals policy

### NOISE MANAGEMENT

- By the end of the authorised hours for the sale of alcohol, the music will be turned off. The lighting shall gradually be increased, and announcements shall be made to patrons regarding their quiet and swift dispersal and of the presence of CCTV systems monitoring the external environs of the premises.
- The premises licence holder, or other nominated person/staff, shall monitor the external areas of the Premises after 23:00 hours.
- The premises will introduce a training regime to bring every member of staff up to date with the implications of The Licensing Act 2003, the licensing objectives, and the need to respect this policy. Staff will thereafter be subject to refresher training every 6 months.
- Signs shall be placed at all exits asking customers to respect the needs of local residents and requesting that they leave the premises quietly.
- The premises licence holder shall ensure the conduct of patrons leaving the premises will be supervised and monitored to minimise potential nuisance.
- The premises licence holder shall not permit noise emanating from the licensed premises to unreasonably disturb persons in the neighbourhood. The premises licence holder shall



ensure that whenever regulated entertainment takes place within the licensed premises, such entertainment will not be such as to be a statutory nuisance in the nearest noise sensitive or residential premises.

- The premises licence holder shall ensure that any deliveries and refuse collections are organised at times to minimise any nuisance to neighbouring properties.
- 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 whenever licensed activities are being undertaken and also until all patrons have been effectively dispersed.















Fire door  
Keep  
locked  
shut

Fire door  
Keep  
locked  
shut













