



BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE - A
MONDAY 15 JANUARY 2024

**JEWELS LOUNGE, UNIT 2, 19 – 23 PITSFORD STREET, LADYWOOD,
BIRMINGHAM, B18 6LJ**

That, having reviewed the premises licence held under the Licensing Act 2003 by Filmon Abraham, in respect of Jewels Lounge, Unit 2, 19 – 23 Pitsford Street, Ladywood, Birmingham, B18 6LJ upon the application of Environmental Health, this Sub-Committee hereby determines that the licence be revoked, and Mr Abrahams be removed as DPS, in order to promote the licensing objectives, in particular the prevention of public nuisance objective in the Licensing Act.

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

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

The Sub-Committee heard that against the background of multiple and continuing complaints Environmental Services officers themselves witnessed noise that in their opinion clearly constituted a public nuisance. This led to other regulatory action being taken through other legislation and even an attempt to seize the music equipment at

the premises. Those other steps taken or attempted have been to no avail. The noise problems have continued unabated to date.

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

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

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

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

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

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

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

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

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

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

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received, and the submissions made at the hearing by the premises licence holder, Police, Environmental Services and Licensing Enforcement.

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

appealing against the decision or, if the decision is appealed against, until the appeal is disposed of.





