

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee C</b>
<b>Report of:</b>	<b>Interim Assistant Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Thursday 19<sup>th</sup> December 2019</b>
<b>Subject:</b>	<b>Licensing Act 2003 Temporary Event Notice</b>
<b>Premises:</b>	<b>Walkabout, 266-271a Langley Buildings, Regency Wharf, Birmingham, B1 2DS</b>
<b>Ward affected:</b>	<b>Ladywood</b>
<b>Contact Officer:</b>	<b>Mr Bhapinder Nandhra, Senior Licensing Officer 0121 303 9896 <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### **1. Purpose of report:**

To consider the objection notice to the Temporary Event Notice (TEN), which seeks to permit the provision of licensable activities on the dates and times as detailed in the TEN attached to this report as an Appendix.

### **2. Recommendation:**

To consider the objection notice made by West Midlands Police.

### **3. Brief Summary of Report:**

A Temporary Event Notice was submitted by Tegan Marie Lumbaca and received on 05<sup>th</sup> December 2019 in respect of Walkabout, 266-271a Langley Buildings, Regency Wharf, Birmingham B1 2DS.

An objection notice has been received from West Midlands Police.

### **4. Compliance Issues:**

When carrying out its licensing functions, a licensing authority must have regard to the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

#### **4.1 Consistency with relevant Council Policies, Plans or Strategies:**

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

## **5. Relevant background/chronology of key events:**

Tegan Marie Lumbaca submitted on 05<sup>th</sup> December 2019, a Temporary Event Notice in respect of Walkabout, 266-271a Langley Buildings, Regency Wharf, Birmingham, B1 2DS

The Temporary Event Notice is attached as Appendix 1.

An objection notice has been received from West Midlands Police, see Appendix 2.

The current premises licence is attached at Appendix 3.

Site location plans are attached, see Appendix 4.

Under the licensing system of TENs, no actual permission is required to carry out a licensable activity on a temporary basis. An applicant must merely give notice of his intentions to operate a licensable activity to the licensing authority.

However, the police or local authority exercising environmental health functions may intervene to prevent such events taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on each TEN.

Where TENs are submitted, and objection notice(s) are maintained, the licensing authority must consider the objection(s) at a hearing before a counter notice, or a notice including a statement of conditions can be issued.

When giving TENs, consideration should be given to the following four licensing objectives:

1. The prevention of crime and disorder
2. public safety
3. The prevention of public nuisance; and
4. The protection of children from harm

If the TENs are in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TENs if it considers that this is appropriate for the promotion of the licensing objectives.

## **6. List of background documents:**

Temporary Event Notice, attached at Appendix 1.

Objection notice from West Midlands Police, attached at Appendix 2.

Premises Licence, attached at Appendix 3.

Site location plans, Appendix 4.

## **7. Options available**

At the hearing the Licensing Authority must consider the TEN and determine whether to:

Allow the proposed temporary licensable activities as stated in each TEN

Impose conditions on each TEN to promote the licensing objectives

Refuse the proposed temporary licensable activities as stated in each TEN



**Birmingham**  
**Temporary Event Notice**  
**Licensing Act 2003**

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

\* required information

**Section 1 of 9**

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 address

Main telephone number  Include country code.

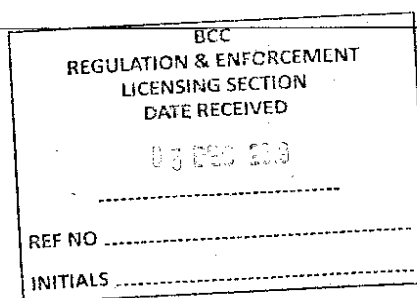
Other telephone number

☐ 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	Langley building, Regency Wharf
Street	266a-271 Broad street
District	
City or town	Birmingham
County or administrative area	West Midlands
Postcode	B1 2DS
Country	United Kingdom

**Agent Details**

First name	Stonegate Pub Company- I	
Family name	Stonegate Pub Company	
E-mail address	temporaryeventnotice@stonegatepubs.com	
Main telephone number		Include country code.
Other telephone number		

☐ 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	06996339	
Business name	Intertain Limited	If your business is registered, use its registered name.
VAT number	GB 927232332	Put "none" if you are not registered for VAT.
Legal status	Private Limited Company	
Your position in the business	Licensing Assistant	
Home country	United Kingdom	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	Risk Management (Licensing), Stonegate Pub Company Limited, Porter Tun House
Street	500 Capability Green
District	
City or town	Luton
County or administrative area	Bedfordshire
Postcode	LU1 3LS
Country	United Kingdom

**Section 2 of 9**

**APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)**

Have you had any previous or maiden names?

Yes

No

Your date of birth

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
dd		mm		yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

**Correspondence Address**

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

☐ Yes

☒ No

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

Building number or name	Risk Management (Licensing), Stonegate Pub Company Limited, Porter Tun House
Street	500 Capability Green
District	
City or town	Luton
County or administrative area	Bedfordshire
Postcode	LU1 3LS
Country	United Kingdom

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#### Additional Contact Details

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

☐ Yes

☒ No

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

E-mail

temporaryeventnotice@stonegatepubs.com

Telephone number

Other telephone number

#### Section 3 of 9

#### THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

Does the premises have an address?

☒ Yes

☐ No

#### Address

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

☐ Yes

☒ No

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

Building number or name

Walkabout

Street

266-271a Langley Buildings

District

Regency Wharf

City or town

Birmingham

County or administrative area

West Midlands

Postcode

B1 2DS

Country

United Kingdom

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☐ Neither

☒ Premises licence

☐ Club premises certificate

Premises licence number

1997/9

#### Location Details

Provide further details about the location of the event

As above

**Continued from previous page...**

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

PART-WALKABOUT

Describe the nature of the premises below (see also guidance on completing the form, note 4)

Licensed premise

Describe the nature of the event below (see also guidance on completing the form, note 5)

Extension to Trading hours to show WWE- ROYAL RUMBLE

HAD EVENT PREVIOUS YEARS AND NO ISSUES

#### Section 4 of 9

#### LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

(see also guidance on completing the form, note 6):

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 8).

#### Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date       /  /   
                                 dd            mm            yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date         /  /   
                                 dd            mm            yyyy

**Continued from previous page...**

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock) (see also guidance on completing the form, note 10)

From 04:00 hours until 06:30 hours, early hours on 27/01/2020

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers (see also guidance on completing the form, note 11)

499

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both (see also guidance on completing the form, note 12):

- ☒ On the premises only  
☐ Off the premises only  
☐ Both

#### Section 5 of 9

##### RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment:

Not applicable

#### Section 6 of 9

##### PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence?

- ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Birmingham City Council

Licence number

11081/1

Date of issue

08 / 11 / 2018  
dd mm yyyy

Any further relevant details

n/a



Continued from previous page...

**Section 7 of 9**

**PREVIOUS TEMPORARY EVENT NOTICES** (See also guidance on completing the form, note 15)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

☐ Yes

☒ No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐ Yes

☒ No

b) Begins 24 hours or less after the event period proposed in this notice?

**Section 8 of 9**

**ASSOCIATES AND BUSINESS COLLEAGUES** (See also guidance on completing the form, note 16)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes

☒ No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or

☐ Yes

☒ No

b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes

☒ No

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

☐ Yes ☒ No

- a) Ends 24 hours or less before; or  
b) Begins 24 hours or less after the event period proposed in this notice?

#### Section 9 of 9

#### CONDITION (See also guidance on completing the form, note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

#### 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.

This formality requires a fixed fee of £21

#### DECLARATION (See also guidance on completing the form, note 19)

\* THE INFORMATION CONTAINED IN THIS FORM IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT IT IS AN OFFENCE:

- \* (I) TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS TEMPORARY EVENT NOTICE AND THAT A PERSON IS LIABLE ON SUMMARY CONVICTION FOR SUCH AN OFFENCE TO A FINE OF ANY AMOUNT; AND  
\* (II) TO PERMIT AN UNAUTHORISED LICENSABLE ACTIVITY TO BE CARRIED ON AT ANY PLACE AND THAT A PERSON IS LIABLE ON SUMMARY CONVICTION FOR ANY SUCH OFFENCE TO A FINE OF ANY AMOUNT, OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING SIX (6) MONTHS, OR TO BOTH.

☒ 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

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/temporary-event-notice/birmingham/apply-1> to upload this file and continue with your application.

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

OFFICE USE ONLY	
Applicant reference number	Eco 3700514/Walkabout Birmingham/Birming
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>
<a href="#">&lt; Previous</a> <a href="#">1</a> <a href="#">2</a> <a href="#">3</a> <a href="#">4</a> <a href="#">5</a> <a href="#">6</a> <a href="#">7</a> <a href="#">8</a> <a href="#">9</a> <a href="#">Next &gt;</a>	

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**From:** bw licensing <bw\_licensing@west-midlands.pnn.police.uk>  
**Sent:** 10 December 2019 11:08  
**To:** Licensing Online; bw licensing; Pollution Team  
**Cc:**  
**Subject:** RE: Re - TENS applications - WALKABOUT - 266 - 271a LANGLEY BUILDINGS  
REGENCY WHARF BIRMINGHAM B1 2DS

Dear Licensing,

West Midlands Police have reviewed the above TEN, as these premises are located in a major night time economy area, and have greater capacity than the 499 allowed, West Midlands Police need to see the relevant risk assessment to show that the control measures being proposed are sufficient to mitigate against the risk to the crime and disorder and public safety objectives.

Until West Midlands Police have received and reviewed these risk assessments to our satisfaction we formally object to this application

regards

**Abs Rohomon**

**PC 4075 Rohomon  
BW Licensing  
Police headquarters  
Lloyd House  
Colmore Circus  
Birmingham  
B4 6NQ**

**Internal : 801 1631  
External : 0121 626 6099**

**Follow us on Twitter - @brumcopslicensing**

**West Midlands Police  
Tel. 101 Ext 8011627**

**Email: [a.rohomon@west-midlands.pnn.police.uk](mailto:a.rohomon@west-midlands.pnn.police.uk)  
Website: [www.west-midlands.police.uk](http://www.west-midlands.police.uk)  
Twitter: [www.twitter.com/brumpolice](https://twitter.com/brumpolice)  
Facebook: [www.facebook.com/westmidlandspolice](https://www.facebook.com/westmidlandspolice)  
YouTube: [www.youtube.com/westmidlandspolice](https://www.youtube.com/westmidlandspolice)**

**Vision statement - Serving our communities, protecting them from harm**

## BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

1997 / 9

**Part 1 - Premises details:**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Walkabout/Feltons Langley Building Regency Wharf 266A-271 Broad Street	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B1 2DS
<b>Telephone Number:</b> 0121 632 5712	

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

N/A

**Licensable activities authorised by the licence**

- |    |  |
|----|--|
| E  | Live music   |
| F  | Recorded music   |
| G  | Performances of dance  |
| H  | Anything of similar description to that falling within (live music), (recorded music) or (performances of dance) |
| L  | Late night refreshment   |
| M3 | Sale of alcohol by retail (both on & off the premises)   |

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

Monday – Saturday	08:00	-	04:00	M3
	11:00	-	04:00	E,F,G,H,
	23:00	-	04:00	L
Sunday	08:00	-	04:00	M3
	11:00	-	04:00	E,F,G,H,
	23:00	-	04:00	L

On Easter Saturday, the Sunday immediately preceding the May Bank holiday, Spring Bank Holiday, the Friday, Saturday and Sunday of the August Bank Holiday, Christmas Eve & Boxing Day regulated entertainment is permitted until 04:00 hours.

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On Australia Day (26th January), Waitangi Day (6th February), St. Patrick's Day (17th March), Anzac Day (25th April), Freedom Day (27th April) and the Queen's Official Birthday (9th June) regulated entertainment is permitted until 04:00 hours.	
From the end of permitted hours New Years Eve until start of permitted hours New Years Day.	All
Should the premises wish to operate outside of the above detailed standard and non-standard hours, the premises will give notice to Steelhouse Lane Police Station Licensing Dept as follows:-a) 28 days notice for risk events (i.e. an event that attracts a selected proportion of an audience type who are attracted as a result of music/entertainment being played/shown). b) 14 days notice for sporting events. c) 7 days notice for non-risk events.	All
There will be a break of at least one hour in opening hours in any 24 hour period during which all licensable activities will cease, the timing of the said break to be at the management's discretion.	All
The Police retain the right to veto the provision of licensable activities outside of the standard operating hours if there are crime and disorder issues.	All

### **The opening hours of the premises**

Monday – Sunday 08:00 - 04:00

On Easter Saturday, the Sunday immediately preceding the May Bank holiday, Spring Bank Holiday, the Friday, Saturday and Sunday of the August Bank Holiday, Christmas Eve & Boxing Day opening hours are extended until 04:30 hours.

On Australia Day (26th January), Waitangi Day (6th February), St. Patrick's Day (17th March), Anzac Day (25th April), Freedom Day (27th April) and the Queen's Official Birthday (9th June) opening hours are extended until 04:30 hours.

New Year's Eve - from end of permitted hours until start of permitted hours New Year's Day.

The premises may open outside of the above detailed standard and non-standard hours to a time agreeable with the premises and the Police; the Police are to be given notification of the closure time.

There will be a break of at least one hour in opening hours in any 24 hour period, the timing of the said break to be at the management's discretion.

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<p><b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b></p> <p>On and Off Supplies</p>
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BIRMINGHAM CITY COUNCIL

Part 2

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Intertain Limited c/o Stonegate Pub Company Limited Porter Tun House 500 Capability Green	
<b>Post town:</b> Luton	<b>Post Code:</b> LU1 3LS
<b>Telephone Number:</b> Not Specified	
<b>Email</b> N/A	

<b>Registered number of holder for example company number or charity number (where applicable)</b> 06996339
--

<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> David Hancocks	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b> N/A	

<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> 859	<b>Issuing Authority</b> PORTSMOUTH CITY COUNCIL

Dated 02/05/2019

*S.A. Yasser*

MR SHAID YASSER  
Senior Licensing Officer  
For Director of Regulation and Enforcement



## BIRMINGHAM CITY COUNCIL

### 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

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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.

There was no application to remove any of the embedded restrictions applicable to this licence under the old licensing regime as are detailed below:-

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

(With the exception of condition 32 (Nothing shall be done, recited, sung, exhibited, or performed, and no dancing shall be permitted, which is licentious, indecent, profane, or improper, or of a suggestive character, or is likely to cause a breach of the peace) in the PEL.4.7 document that has been removed by way of a Minor Variation)

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

## **BIRMINGHAM CITY COUNCIL**

### **Annex 2 – Conditions consistent with operating schedule**

#### **2a) General conditions consistent with the operating schedule**

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

The Licence Holder shall ensure that strict controls are in place in relation to:-

- (1) Management and supervision of the premises
- (2) Conduct of the customers and staff

So as to promote the four licensing objectives.

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

The Premises Licence holder will ensure that CCTV is fitted to the specifications and recommendations of West Midlands Police (Licensing Department - Birmingham Central Police Station).

The Premises Licence holder will ensure that the CCTV is working at all times that the premises is open for any licensable activity, and that all CCTV images are held for a minimum of 28 days.

The Premises Licence holder will ensure that all CCTV images will be made immediately available and downloadable when requested by any Responsible Authority.

The Premises Licence holder will ensure that door supervisors are deployed at the premises. The number of door supervisors required will be assessed through a risk assessment and with advice sought from West Midlands Police (Licensing Department - Birmingham Central Police Station).

The Premises Licence holder will ensure that door supervisors wear High Visibility Jackets whilst deployed at the premises (tabards inside the premises).

The Premises Licence holder will ensure that door supervisors sign on and off duty for every tour of duty worked.

The Premises Licence holder will retain profiles of all door supervisors that are, or have (in the last 3 months) worked at the premises. Profiles are to be proof of ID (passport, driving licence) and proof of address dated in the last 6 months (utility bill, bank statement). Proof of address is not required when proof of ID is a Photo Driving Licence.

The Premises Licence holder will have and maintain a documented incident book, where all incidents irrelevant if any emergency services are called are recorded and signed off weekly by the DPS.

The Premises Licence holder will ensure that the premises have a documented lost and found policy.

The Police have the power of veto in respect of 24-hour opening should they have concerns with regard to crime and prevention measures. This will not restrict the premises from opening between 11:00 and 04:00 the following morning for the provision of regulated entertainment and late night refreshment and between 08:00 and 04:00 the following morning for the sale of alcohol.

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

Maximum occupancy levels apply as follows:-

Ground Floor - 599

**BIRMINGHAM CITY COUNCIL**

Lower Ground Floor - 599

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

No enforceable conditions identified from operating schedule.

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

The Premises Licence holder will ensure that persons under the age of 16 will be admitted only if accompanied by an adult and that persons under the age of 18 years will not be allowed on the premises after 19.00hrs.

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**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**

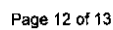
N/A

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

N/A

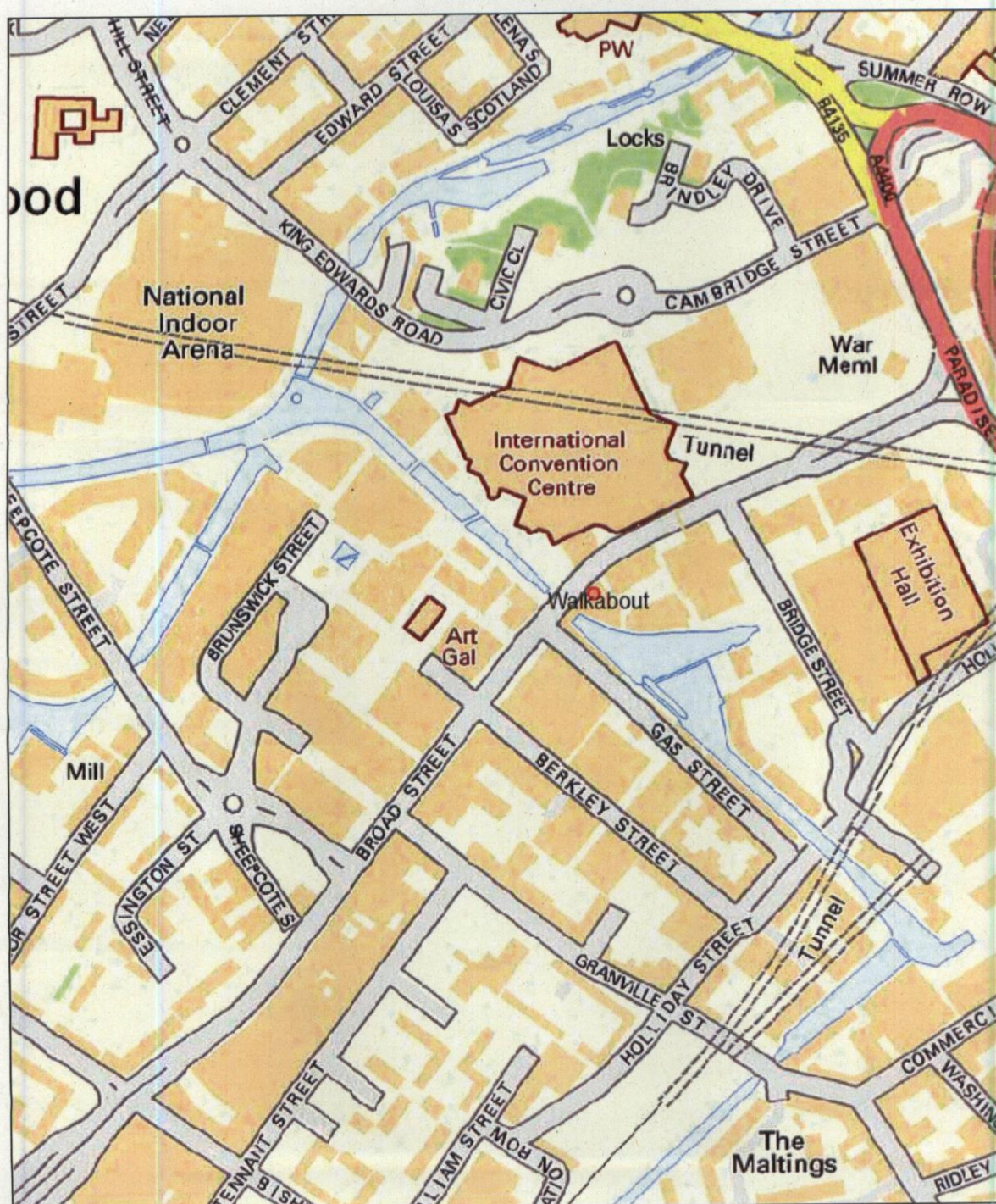












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