

## **BIRMINGHAM CITY COUNCIL**

### **LICENSING SUB-COMMITTEE A**

**MONDAY, 09 JULY 2018 AT 09:30 HOURS**  
**IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA**  
**SQUARE, BIRMINGHAM, B1 1BB**

*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**

Chairman to advise meeting to note 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 that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

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

**3 - 18**

### **4 MINUTES**

To note the public section of the Minutes of the meeting held on 11 June 2018.

To note the public section of the Minutes of the meeting held on 18 June 2018.

**19 - 68**

### **5 LICENSING ACT 2003 PREMISES LICENCE (GRANT) - AVERY FIELDS SPORTS & EVENTS, 85 SANDON ROAD, EDGBASTON, BIRMINGHAM, B17 8DT**

Report of the Acting Director of Regulation & Enforcement.  
N.B. Application scheduled to be heard at 09:30am.

**6     LICENSING ACT 2003 PREMISES LICENCE (VARIATION) - NEW INN,  
74 VIVIAN ROAD, HARBORNE, BIRMINGHAM, B17 0DJ**

Report of the Acting Director of Regulation & Enforcement.  
N.B. Application scheduled to be heard at 11:00am.

**7     OTHER URGENT BUSINESS**

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

**8     EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

**PRIVATE AGENDA**

**1     MINUTES**

To note the private section of the Minutes of the meeting held on 11 June 2018 and to confirm and sign the Minutes as a whole.

To note the private section of the Minutes of the meeting held on 18 June 2018 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 Chairman are matters of urgency.

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE A 11 JUNE 2018</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 11 JUNE 2018 AT 0930 HOURS, IN THE ELLEN PINSENT ROOM, COUNCIL HOUSE, BIRMINGHAM, B1 1BB**

**PRESENT:** - Councillor Dring in the Chair;

Councillors Beauchamp and Leddy.

### **ALSO PRESENT**

David Kennedy – Licensing Section  
Joanne Swampillai – Legal Services  
Katy Poole – Committee Services

### **NOTICE OF RECORDING**

- 01/110618 The chairman advised the meeting to note that members of the press/public may record and take photographs except where there were confidential or exempt items.

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### **DECLARATION OF INTEREST**

- 02/110618 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business to be discussed at the meeting. Should a disclosable pecuniary interest be declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of meeting.

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### **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 03/110618 The chairman advised the meeting to note that members of the press/public may record and take photographs except where there were confidential or exempt items.

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## **LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW – ARTHOUSE, 54 BISSELL STREET, BIRMINGHAM, B5 7HP**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

**Those Making Representations**

PC Abdool Rohomon – West Midlands Police

**On behalf of the Premises Licence Holder**

The premises licence holder/those instructed were invited to attend the hearing. There had been no notification that they would not be attending and no further notification that they had instructed anyone to act on their behalf.

Members considered that in the interests of fairness, they would delay the meeting by 30 minutes. This would allow sufficient time for the premises licence holder/those instructed to attend the hearing.

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At 1003 all parties were invited to start the meeting.

The Chairman introduced the Members and officers present and explained the hearing procedure. Prior to the commencement of proceedings the Chair asked if there were any preliminary points for the Sub-Committee to consider.

PC Abdool Rohomon explained that he planned on screening the “Body warn camera footage” and requested that it be screened in private due to:

- West Midlands Police still continuing with their investigations.
- Enquires into the incident were still ongoing.

PC Rohomon confirmed that he would go through his representations in public then screen the video evidence in private at the conclusion of his representations.

Members considered the request submitted by the representative of West Midlands Police and concluded that in order not to jeopardise the investigation it was in the interests of the public to screen the body warn evidence in private.

The main points of the report were outlined by David Kennedy, Licensing Section.

PC Abdool Rohomon drew the attention of the Sub-Committee to the following pages in the Police bundle and made the following statements: -

1. Page 17 in the agenda papers – the key conditions imposed on the licence as a result of the Expedited Review hearing 6 months ago. He added that the conditions were very precise and “clear cut”.

2. That the Designated Premises Supervisor (DPS) had been replaced with a Mr Jason Kerin. However West Midlands Police had received no communication from Mr Kerin whatsoever.
3. Page 31 – Venue Management Plan carried out by Tactical Licensing Consultants. The majority of events were TBC (to be confirmed).
4. Page 32 – Security details. Indicated that the security for the night of the Saturday 15<sup>th</sup> May 2018 was 6. However, there should always be 8.
5. Pages 17-29 – Command and Control logs. Reference was made to a firearm straight away. Reports of people panicking and “star bursting”.
6. Page 22 – it became clear that the incident occurred in the Arthouse and there was mention of the DPS being Mr Jordan Patel a person whom Members decided at the previous Summary Review hearing was to have nothing to do with the management of the premises.
7. Page 22 – The Duty Manager for the club was then specified as Ms Tenesha Stewart. Ms Stewart goes on to specify that the Arthouse was equipped with full CCTV coverage however, only “Jordan” would be able to operate the system for the police. This was a clear contravention of licence.

At this juncture PC Rohomon made the following statements: -

1. That it was clear an incident occurred that night. The manager herself stated that something occurred.
2. That only 6 security guards were present that evening, when there should have been 8 on duty.
3. That West Midlands Police were satisfied something happened that night.
4. Officers made contact with Mr Jordan Patel, but he told them he was unable to meet officers to provide the CCTV and was on his way to his brother’s wedding.
5. Once Mr Patel was told about the potential Expedited Review application he was suddenly available.
6. At no point did Mr Patel explain he was not a point of contact for the venue, nor did he mention Mrs Wilcox or Mr Kerin.
7. Mr Patel agreed to attend at 1500 hours. Mr Patel called again and was very irate that there were no officers present. He stated that the incident had nothing to do with his venue.

8. When officers did arrive to meet Mr Patel, they were given a memory stick. However, once the CCTV was viewed it did not corroborate with what officers had been told and witnessed.
9. Further CCTV had been requested, but according to the Premises Licence Holder, it has been wiped.
10. The car accident happened due to people leaving the venue in a panicked state.
11. A black male door supervisor confirmed that a firearm was seen inside the premises.
12. Page 14 – Sgt Martin Williams confirmed that “Hal” confirmed a gun was seen in the Arthouse. On the signing in sheet there was an employee called Haljit. Therefore, confirmation that someone from the premises saying they were security, witnessed a firearm being produced on the dance floor in the Arthouse.
13. That at one point they even doubted the incident happened, until officers came back with extra information which clarified the event did in fact take place.
14. That the footage from the body worn cameras had been reviewed and the organised crime team had viewed it.
15. That an individual’s name was mentioned in the command and control log, a name linked to an organised crime gang.
16. That the signing in sheets were eventually obtained through various emails. Page 42-44 indicates that Mrs Wilcox had given her operations team the task of organising the requests from West Midlands Police. Page 44 – Mr Patel sent the documents; so therefore confirming he was part of Mrs Wilcox operations team. Page 45 – Mrs Wilcox thanks Mr Patel for sending the signing in sheet, incident report and door staff sheet.
17. Page 48 – the event was supposed to be a birthday party, yet indication that it was in fact an in house promotion. There was no risk assessment completed. Ms Tenesha Stewart made the booking.
18. Page 40-42 – There was an authorisation form for the CCTV reformatting, for which Ms Tenesha Stewart signed. Therefore, Mrs Lucy Wilcox was not aware of the reformatting for 13 days. If Mrs Wilcox was aware of the reformatting, she failed to let West Midlands Police know.
19. PC Rohomon was extremely sceptical as to why anyone would authorise CCTV reformatting when they were already aware the police were looking into an incident at that premises.
20. There was no information regarding “a power cut” and the engineer was also unable to confirm this.

21. The engineer reformatted the CCTV as instructed.
22. The reformatting wipes all the data. The engineer made that very clear.
23. That they were unable to compare the CCTV with the footage they received on a memory stick from Mr Patel and therefore, could not confirm if the CCTV was even the correct day or time.
24. That PC Rohomon had emailed the engineer to confirm what time he had been and reformatted the CCTV, however, the engineers never responded.
25. Page 55 - He made contact with another person, a promoter. The promoter stated he wanted to put an event on in March 2018. He contacted Mr Patel as the owner of the club. Mr Patel confirmed he was the owner.
26. Pages 57 onwards – Numerous emails between the promoter and Mr Patel regarding a refund.
27. Page 64 – further confirmation that Mr Patel was involved with the premises as Mr Patel confirmed to the promoter that he was part of the same company as Mrs Wilcox.
28. That they know Mr Patel was involved with the premises and that Mrs Wilcox was just a figure head. Everyone deals with Mr Patel should they wish to hire the venue, view CCTV, request documents. That indicated he had managerial control.
29. The premises had shown complete disregard for licensing.
30. That revocation was the only option, nothing would work for this premises. We could change security, change DPS but it would not work. They have already had conditions imposed on their licence, and have yet again within 6 months breached those.

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**EXCLUSION OF THE PUBLIC**

04/110618

**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.

ARTHOUSE, 54 BISSELL STREET, BIRMINGHAM, B5 7HP

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At this stage in the meeting having viewed the Body Worn Camera footage in private the public were readmitted to the meeting.

In answer to Members questions PC Rohomon, on behalf of West Midlands Police made the following points:

1. That it was feasible for the power cut to have affected the CCTV footage, but then why did the power cut not affect hard drives 1 and 2. The engineer cannot confirm the power cut even happened.
2. That the CCTV was not seized as it was the most extreme measure taken. There were no concerns that the CCTV would not be made available when needed.
3. That if officers were told they would not be allowed access to the CCTV they would have seized it.
4. Ms Tenesha Stewart authorised the CCTV reformatting, yet on the night of the incident she was not able to get the CCTV only Mr Patel was able to do that.
5. The premises were at the interim steps meeting claiming nothing happened, yet they did not bring the CCTV to show Members, why?
6. That the emails were factual and indicated that Mr Patel was acting in a managerial role.
7. There were clear issues of public safety, public disorder, and prevention of crime and disorder and public nuisance.

In summing up PC Abdool Rohomon, West Midlands Police made the following points: -

- That it was clear something happened that night, involving a firearm.
- That the premises were trying to cover it up.
- People were involved with the premises who should not be.
- That the conditions imposed by the Committee in November 2017 had already been breached.
- That the premises should not continue to be given opportunities.
- They were recommending revocation.
- That the premises had not even attended.

At 1126 hours the Chairman requested that all present, with the exception of the Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.



At 1208 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

05/110618    **RESOLVED:-**

That having reviewed the premises licence held under the Licensing Act 2003 by Art Venue Limited in respect of Arthouse, 54 Bissell Street, Birmingham B5 7HP, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines that **the Licence be REVOKED, with the interim step of suspension to remain in place until the determination of any Appeal,** in order to promote the prevention of crime and disorder, public safety, and prevention of public nuisance objectives in the Act.

There had been an incident of serious crime and disorder involving a firearm at Arthouse, in the early hours of 12<sup>th</sup> May 2018. The Sub-Committee's reasons for revoking the licence are due to concerns expressed by West Midlands Police in relation to the operation in general - both the security arrangements and the management arrangements. The incident had shown that management and the security staff had inadequate control over the running of the premises, and as a result public safety was at risk.

Nobody from the premises attended the meeting, nor did they instruct anyone to represent them. The Sub-Committee was keen to hear any submissions that the premises wished to offer, and accordingly they delayed the start of the hearing for thirty minutes, in case the relevant persons were merely delayed.

However, in the event, nobody attended, despite the Director of the company which holds the premises licence attending the Expedited Review hearing in May 2018, at which the instant date was set down. West Midlands Police also confirmed that last week, the Director had asked if she could telephone the Police for a discussion, and was told she could telephone on Monday morning; however at the appointed time she had not in fact telephoned.

**Previous Review of Licence – November 2017**

The meeting began with an examination of the additional conditions which the Sub-Committee had imposed on Arthouse in November 2017, when the Licence was last reviewed. The Police observed that far from being the fresh start under new management that was offered by Arthouse at that meeting, the reality was that after only six months it had become apparent that those at the Arthouse had breached the majority of the additional conditions, and in particular those relating to Mr Jordan Patel, the CCTV and the Schedule of Events, namely:

- The Sub-Committee had decided in November 2017 that Mr Jordan Patel, who had proven himself to be completely unsuited to responsible and safe operating, was to have no managerial control or decision-making function over these premises. This order appeared to have been taken on board, because the Designated Premises Supervisor named on all documents put before the Sub-Committee was a Mr Jacob Kerin. However the staff from Arthouse, when

speaking to the police officers who had responded to the 999 call reporting a firearm incident, described Mr Patel as the person in charge, and stated that he was the Designated Premises Supervisor for Arthouse.

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- The Sub-Committee had decided in November 2017 that the CCTV arrangements should be managed by the Designated Premises Supervisor; this should of course have been Mr Jacob Kerin. Yet dealings with the Police relating to CCTV in the aftermath of the 12<sup>th</sup> May incident were undertaken by Mr Patel - the person who had been ordered to have no managing control. Indeed the Police confirmed to the Sub-Committee that they had never had any communications from Mr Kerin at any time
- The Schedule of Events, or 'Venue Management Plan', named Mr Jacob Kerin as the Designated Premises Supervisor, and in addition was wholly unsatisfactory in terms of lack of detail, with the majority of events described simply as 'to be confirmed'

### **The event of 12<sup>th</sup> May 2018**

During the hearing, part of which was held in private for the Sub-Committee to view a video recording of Police bodycam, the Police gave detailed evidence of what had happened – both during the emergency response, and in the aftermath.

To summarise the points made, a 999 call to Police was received at 03:11 hours, to report an incident involving a firearm. The call had come from an individual, not from the Arthouse management. On arrival, Police witnessed a chaotic scene as a 'starburst' of patrons fled the Arthouse site on foot and/or by car; cars were witnessed driving off at high speed.

A member of Arthouse security staff spoke to Police and was recorded on Police bodycam stating that a gun had been pointed at a man's head inside the premises. This security staff member informed Police that the Designated Premises Supervisor was Mr Jordan Patel – thereby confirming breach of the condition imposed at the hearing in November 2017, that Mr Patel was to have no management responsibility.

Another member of Arthouse staff, Ms Tenesha Stewart, who had been acting as some kind of Events Organiser/ Events Manager or similar, also spoke to Police attending on the night. She stated to Police that there had been some disorder in the club, leading to ejections of some patrons, but was adamant that she had not seen any gun. This seemed surprising given that security staff from Arthouse, recorded on Police bodycam, had confirmed that a gun had been pointed at a man's head inside the club.

Ms Stewart also told Police that Arthouse was equipped with CCTV, but stated that only Mr Jordan Patel could operate the CCTV – thereby confirming breach of the condition imposed at the hearing in November 2017, that responsibility for the CCTV lay with the Designated Premises Supervisor.

### **Police request for CCTV**

The Sub-Committee felt that the manner in which Arthouse had handled the CCTV request, made by Police following the incident, made clear that the Arthouse CCTV arrangements were entirely unsatisfactory, and a risk to public safety.

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The Police who attended at the premises were not given the opportunity to observe Mr Patel downloading the CCTV in front of them; instead they were handed a memory stick by Mr Patel that he said was the footage from the night in question. When viewed, the film shown on the memory stick did not corroborate any of what officers were told and/or witnessed on the night – namely a 999 call making reference to a firearm being brandished in the club; a chaotic ‘starburst’ of patrons fleeing the premises in a panicked manner; an Arthouse security guard stating that a gun had been pointed at a man’s head; Ms Tenesha Stewart stating that disorder had broken out and as a result some patrons had had to be ejected.

When Police took up this discrepancy with the premises, they were informed by those at Arthouse that the hard drives of the CCTV had been ‘wiped’. The premises blamed the situation on a ‘power cut’, after which the CCTV had been reformatted, despite a clear written explanation from a CCTV expert that reformatting would wipe the recordings. The Sub-Committee found this extraordinary.

The order to reformat the CCTV had been given by Ms Tenesha Stewart – the person who had stated to police that ‘only Mr Patel’ was authorised to deal with CCTV; more importantly, Ms Stewart was also the person who had confirmed to police that a breakout of disorder had occurred in the club. As a result of Ms Stewart’s order to reformat the CCTV, the Police could not even confirm if the date & time of the CCTV on the memory stick was correct, as the original footage had been wiped.

The Sub-Committee looked askance at this. It was the opposite of how a responsible premises would operate.

Other details of the operating arrangements on the night also gave cause for concern. Six security personnel were on duty - not the ‘eight’ shown on the Venue Management Plan. The Incident Report Book for the night was examined by Police and found to be completely blank; this was despite Ms Stewart having confirmed that there had indeed been disorder and that some patrons were ejected as a result.

**Management arrangements and personnel:**

The unsatisfactory management arrangements were examined in detail.

**Mr Jordan Patel**

It went without saying that the Sub-Committee took a very dim view of the involvement of Mr Patel at managerial level. The Arthouse licence had only remained in force at the November 2017 hearing after fulsome assurances were given that Mr Patel would no longer have any managerial control whatsoever; yet the evidence presented at the instant meeting was that he was, to all intents and purposes, the Designated Premises Supervisor, responsible for general day-to-day management in all aspects of the operation. This had been confirmed to Police attending on the night by two members of Arthouse staff.

When dealing with Police over the CCTV, Mr Patel expressed irritation and said that the incident of 12<sup>th</sup> May had been nothing to do with ‘his’ venue. An independent witness (event promoter) who gave a statement to Police confirmed

that all his dealings with Arthouse were only ever conducted by Mr Patel and Ms Stewart; the event promoter said he had been told to contact Mr Patel as the 'owner' of Arthouse, and thereafter Mr Patel himself had confirmed to the promoter that he was the owner.

When the Sub-Committee examined the emails between the event promoter and Mr Patel, it was clear that Mr Patel was acting as Designated Premises Supervisor in his dealings with prospective customers. Mr Patel was the person they dealt with, to whom they made payments, and from whom they demanded refunds.

**Mr Jacob Kerin**

Conversely it appeared that the named Designated Premises Supervisor, shown on all documents as a Mr Jacob Kerin, was nowhere to be seen – either on the night of the incident, or in the aftermath; he had undertaken no dealings with Police at all. Mr Patel was the person put forward by the two members of staff who spoke to Police on the night of the incident; equally, when contacted by Police, Mr Patel undertook all dealings with the Police, instead of referring Police to the relevant people - namely Mr Kerin the Designated Premises Supervisor, or Mrs Lucy Wilcox the Director of the Premises Licence Holder company.

**Mrs Lucy Wilcox**

It was apparent that Mrs Lucy Wilcox also did not have any real managerial control over Arthouse. Instead, she was more a 'name' to be used on documents, and in particular to ensure that the premises licence was retained at the meeting in November 2017. Yet despite the assurances given in November 2017, that Mrs Wilcox would take full responsibility, it was apparent that in a few short months Mr Patel had resumed his previous role of general management of the Arthouse premises.

When contacted by Police, Mrs Wilcox referred to her 'Operations Team'; by this she meant Mr Patel. Regarding the CCTV reformatting debacle, Mrs Wilcox's emails to Police showed that she either did not know about the reformatting, or did not tell the Police; either option was unacceptable from any Premises Licence Holder.

The event held on the night of the incident was discussed by Police with Mrs Wilcox by email before the Expedited Review hearing. Yet at the Expedited Review hearing Mrs Wilcox began to refer to the event as 'a birthday party' for the first time, which surprised the Police Officer who attended the meeting. When Police asked for further details of the booking, they noted that it was described on the Venue Management documents as an 'in-house promotion', which would obviously not describe private hire of the venue for a customer's birthday party; moreover the booking was not made by Mrs Wilcox or the Designated Premises Supervisor, but by Ms Tenesha Stewart.

**Ms Tenesha Stewart**

The name of Ms Tenesha Stewart was already well known to the Sub-Committee due to her association in recent years with problem premises elsewhere in Birmingham, which had been so irresponsibly managed that they had come to be frequented by organised crime groups. Incidents of crime and disorder had occurred at those premises, and the licences for those premises had duly been

revoked by the Sub-Committee. The Sub-Committee was unimpressed that Arthouse, a premises which had had a troubled history itself, had seen fit to employ a person who was known to have demonstrated no concern whatsoever for the safety of night-time patrons in the city.

The Police observed that the unsuitable personnel employed, and the unsatisfactory practices that went on, at Arthouse, could not possibly uphold the licensing objectives. Their arrangements were not a responsible way to operate, and it was perhaps inevitable that with persons such as these employed at the premises, incidents requiring the attendance of the Police would be the result.

The Sub-Committee agreed with the Police, and observed that not one of the four attended the meeting themselves, or instructed anyone to represent Arthouse. Whilst the Sub-Committee had initially been surprised at this, after hearing and viewing the Police evidence, the Sub-Committee concluded that the initial line taken by the premises (of denying that the incident had ever taken place) could no longer be maintained. The failure to attend suggested that they felt unable to account properly for themselves, or to answer the obvious questions.

#### **Decision to revoke**

All in all, the Sub-Committee lacked all confidence that the premises was able to uphold the licensing objectives. This was a view formed by the Sub-Committee after hearing directly from West Midlands Police.

It was overwhelmingly clear that a serious incident had indeed occurred inside Arthouse. The brandishing of a firearm had been reported by the person who called 999, and confirmed by Arthouse's own security employee. The loss of control, leading to chaos and a 'starburst' of patrons out of the premises and into the street at around 3am, was significant in terms of the risk to the public. The handling of Police requests, and in particular the order to reformat the CCTV hard drives during an ongoing Police investigation, was unacceptable. Accordingly the Sub-Committee had no confidence in the ability of those at Arthouse to ensure public safety.

The Police's concern was that despite a previous Expedited Review hearing quite recently (November 2017), in which stringent additional conditions had been imposed, the licence holder had shown no regard whatsoever for those additional conditions, and had demonstrated that those at Arthouse were not capable of operating the premises responsibly. There was a clear risk of further crime and disorder, and a risk to public safety - particularly in relation to firearms - which meant that revocation of the licence, and maintenance of the interim step of suspension, was the correct course to ensure public safety.

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. It was the recommendation of the Police that such a course would have no effect. The Sub-Committee agreed with this. The additional conditions imposed in November 2017 had been comprehensively breached.

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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 Guidance issued by the Home Office in relation to expedited and summary licence reviews, the application and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, the written representations, and the submissions made at the hearing by the Police.

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, save for the maintenance of the interim step of suspension, 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 determined.

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06/110618 **OTHER URGENT BUSINESS**

There were no matters of urgent business.

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The meeting ended at 1217 hours.

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CHAIRMAN

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB COMMITTEE A 18 JUNE 2018</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE A  
HELD ON MONDAY 18 JUNE 2018  
AT 0930 HOURS IN ELLEN PINSENT ROOM,  
COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Nagina Kauser in the Chair

Councillors Bob Beauchamp and Martin Straker Welds

**ALSO PRESENT**

Bhapinder Nandra, Licensing Section  
Joanne Swampillai, Committee Lawyer  
Katy Poole, Committee Manager

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**NOTICE OF RECORDING**

- 1/180618 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.
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**DECLARATIONS OF INTERESTS**

- 2/180618 Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.
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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

- 3/180618 Councillor Dring submitted her apologies and Councillor Kauser was the nominee Member.
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**MINUTES – PUBLIC**

- 4/180618 That the Minute of meetings held on 21<sup>st</sup> May 2018 were confirmed and signed by

the Chairman.

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**LICENSING ACT 2003 PREMISES LICENCE – SANTRA, 2ND FLOOR,  
KOTWALL HOUSE, WROTTESLEY STREET, BIRMINGHAM, B5 4RT**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

**On behalf of the applicant**

Duncan Craig – Solicitor – Citadel Chambers  
Tom Moore – DPS

**Those making representations**

PC Abdool Rohomon – West Midlands Police

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Following introductions by the Chairman, Bhapinder Nandra, Licensing Section, made introductory comments relating to the report.

The Chairman requested any preliminary points to be made at this juncture.

Mr Duncan Craig on behalf of the premises advised that Mr Murphy (applicant) was unable to attend today due to his father's terminal illness. However, it was essential that Mr Murphy be at the hearing to answer any questions. Mr Craig had notified licensing and WMP at the earliest opportunity of their intentions to request a second adjournment.

In response to the Chairman, PC Abdool Rohomon confirmed he had no objections to the unusual request for a second adjournment.

The Chairman advised that the request to adjourn the meeting would be approved.

At 0940 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

5/180618

**RESOLVED:-**



That the application by Desmond Murphy for a premises licence in respect of SANTRA, 2<sup>ND</sup> FLOOR KOTWALL HOUSE, WROTTESLEY STREET, BIRMINGHAM, B5 4RT **BE FURTHER ADJOURNED TO A DATE TO BE NOTIFIED**, in order that the applicant can attend the hearing in person, in order to address the Sub-Committee.

The Sub Committee was advised by the Committee Lawyer as to their discretionary powers to adjourn the matter under Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005.

The applicant's legal representative attended the meeting and submitted that the applicant's attendance at the hearing was 'hugely important, if not essential'. This would require the grant of a second adjournment, as the applicant was dealing with a family matter which was expected to occupy his time for a short while. The Sub-Committee would then be able to properly and fully consider the application.

West Midlands Police confirmed that given the circumstances they did not oppose the application for a second adjournment.

The Sub-Committee decided on this occasion to accede to this unusual request for a second adjournment, on the basis that it was for personal/ family reasons which could not be postponed. Given the principles of natural justice, the Members had a duty as decision-makers to conduct a proper examination of submissions, arguments and evidence adduced by both parties in order to reach a proper determination. The applicant felt that his attendance in person before the Sub-Committee was 'hugely important'; in addition, West Midlands Police did not oppose a second adjournment. The adjournment was therefore granted.

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### **OTHER URGENT BUSINESS**

6/180618      There was no urgent business.

---

### **EXCLUSION OF THE PUBLIC**

7/180618

**RESOLVED:**

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-  
(Paragraphs 3 & 4)

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<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Acting Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 9<sup>th</sup> July 2018</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Grant</b>
<b>Premises:</b>	<b>Avery Fields Sports &amp; Events, 85 Sandon Road, Edgbaston, Birmingham, B17 8DT</b>
<b>Ward affected:</b>	<b>North Edgbaston</b>
<b>Contact Officer:</b>	<b>Bhapinder Nandhra, Senior Licensing Officer, 0121 303 9896 <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

<b>1. Purpose of report:</b>
<p>To consider relevant representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption both on and off the premises) to operate from 08:00am until 02:00am (Monday to Sunday).</p> <p>The provision of Regulated Entertainment consisting of plays, films, indoor sporting events, boxing or wrestling, live music, recorded music, performances of dances and anything of a similar description to operate from 08:00am until 02:00am (Monday to Sunday).</p> <p>The above activities, with the exception of indoor sporting events, to operate both indoors and outdoors.</p> <p>To permit the provision of Late Night Refreshment to operate from 11:00pm until 02:00am (Monday to Sunday).</p> <p>Premises to remain open to the public from 07:00am until 03:00am (Monday to Sunday).</p> <p>Other dates and times as specified in the application form.</p>

<b>2. Recommendation:</b>
To consider the representations that have been made and to determine the application.

<b>3. Brief Summary of Report:</b>
<p>An application for a Premises Licence was received on 21<sup>st</sup> May 2018, in respect of Avery Fields Sports &amp; Events.</p> <p>Representations have been received from two responsible authorities and from other persons.</p>

<b>4. Compliance Issues:</b>
<b>4.1 Consistency with relevant Council Policies, Plans or Strategies:</b>
<p>The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.</p>
<b>5. Relevant background/chronology of key events:</b>
<p>Avery Fields Sports &amp; Events Ltd applied on 21<sup>st</sup> May 2018 for the grant of a Premises Licence for Avery Fields Sports &amp; Events.</p> <p>Representations have been received from West Midlands Police and Environmental Health, as responsible authorities, which are attached at Appendices 1 &amp; 2.</p> <p>Representations have been received from other persons, which are attached at Appendices 3 – 19.</p> <p>The application is attached at Appendix 20.</p> <p>Site Location Plans at Appendix 21.</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> <ol style="list-style-type: none"> <li>The prevention of crime and disorder;</li> <li>Public safety;</li> <li>The prevention of public nuisance; and</li> <li>The protection of children from harm.</li> </ol>
<b>6. List of background documents:</b>
<p>Copies of the representations are detailed in Appendices 1 – 19</p> <p>Application Form, Appendix 20</p> <p>Site Location Plans, Appendix 21</p>
<b>7. Options available</b>
<p>To Grant the licence in accordance with the application.</p> <p>To Reject the application.</p> <p>To Grant the licence subject to conditions modified to such an extent as considered appropriate.</p> <p>Exclude from the licence any of the licensable activities to which the application relates.</p> <p>Refuse to specify a person in the licence as the premises supervisor.</p>

## Appendix 1

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**From:**  
**Sent:** 18 June 2018 11:37  
**To:** Licensing  
**Cc:**  
**Subject:** Licence application - Avery Fields

Dear Licensing

West Midlands Police have received the application for a new premise licence for Avery Fields. From the application the premises is seeking to have licensed a large playing field as well as a club house until 2am for all licensable activities 7 days a week. The application does not reflect the close proximity of the local residents that encloses the site, and how this licence could impact the local residents in terms of noise nuisance, crime and disorder and public safety.

West Midlands Police have concerns around the premises having the potential to do large events, and with the lateness of the hour of operation as detailed in the application on the playing field and also within the club house, which could be detrimental to the licensing objectives of crime and disorder, public safety and public nuisance.

West Midlands Police have been engaging with the applicants representative but as yet have not been able to agree on measures to address these concerns.

As such West Midlands Police wish to object to this application on the above grounds and request a licensing hearing

regards

**Abs Rohomon**

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

**Follow us on Twitter - @brumcopslicensing**

**West Midlands Police**

**Website:** [www.west-midlands.police.uk](http://www.west-midlands.police.uk)  
**Twitter:** [www.twitter.com/brumpolice](https://www.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**

## Appendix 2

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**From:** ' '  
**Sent:** 18 June 2018 15:40  
**To:** Licensing  
**Cc:**  
**Subject:** WK/009026190 - Representation - Avery Fields Sports & Events Ltd  
**Attachments:** ATTACH.RTF

**M3PPRef:** WK/009026190  
**M3PPUnique:** 000000000C942F39DCF2F649AEFD29B8216E544D07003EC771D749012245BAC13C  
3048563AD4000000E7B4440000AC5939DABDDEBA4984D3A243EC62EB040025592  
B06690000

All,

Please find representation.

---

Regards,

Paul Samms  
Environmental Protection Officer

Environmental Protection Unit  
Environmental Health  
Manor House  
40 Moat Lane  
Digbeth  
Birmingham  
B5 5BD

Environmental Health, Regulation & Enforcement, Birmingham City Council, PO BOX 15908, Birmingham, B2 2UD

Website: <http://www.birmingham.gov.uk/eh>  
Facebook: <http://www.facebook.com/ehbham>  
Twitter: <http://www.twitter.com/ehbham>  
Flickr: <http://www.flickr.com/photos/envhbham>

"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

To:	Licensing Section,	Date: 18th June 2018
From:	Paul R Samms, Environmental Protection Officer Environmental Health, 40 Moat Lane, Birmingham, B5 5BD	Tel:
CC:		Ref:
Subject:	Application for Premises License – Licensing Act 2003 Address – Avery Fields Sports Club Sandon Road	

I, Paul R Samms, as a representative of Environmental Health, formally raise a representation on the above application.

My representation concerns the likely effect of the grant of the licence (in it's current form) on the promotion of the licensing objectives of:

- a) the prevention of public nuisance.

The club (and its external areas) border residential units. Occupants of these residential units will be in very close proximity to noise sources.

The Agent has informed me that the applicant wishes to have events in the external area for such things as weddings. That, such events could have a marquee full have patrons.

I am concerned that the grant of the licence in it's present form would potentially result in noise nuisance (particularly during noise sensitive times) due to noise breakout from the:

1. building (regulated entertainment).
2. sound patrons and regulated entertainment in the external areas.
3. patrons accessing the externals areas particularly when they leave the area after outdoor events.

---

**Conditions and Suggested Hours**

I believe that the above concerns can be dealt with by the use of appropriate conditions as well as amended hours.

If the licence is granted, the hours should be amended as follows:

Licensable activity reduced to 2230 hours 7 days a week

**Conditions**

1. The Licensee shall ensure that a written agreement is made with reputable taxi companies to ensure that when taxi's pick up and drop off customers from the licensed premises noise from these vehicles does not cause a nuisance to local residents.
2. Customers who require a taxi from the site shall be advised by staff to use taxi companies specified by the licensee.
3. The Designated Premises Supervisor shall be responsible for ensuring that patrons wishing to utilise the external areas to smoke do so quietly and that noise from patrons moving to and from the smoking shelter is kept to a minimum.
4. The Designated Premises Supervisor shall be responsible for ensuring that the *smoking area* does not create a nuisance to neighbours at premises and if necessary restrict the number of people utilising the smoking areas at any one time.
5. No licensable activity to take place in the external area Monday to Thursday.
6. Events in the external areas shall be restricted to 6 per year.
7. All licensable activity for the outside area on a Friday, Saturday and Sunday shall cease at 22.30 hours. All patrons are to be cleared from the external area by 22:30 hours.
8. West Midlands Police Birmingham Central Licensing department and Birmingham City Council environmental protection unit are to be notified 28 days in advance in writing by email (address as per statement of licensing policy) of all events for the outside playing area.
9. The premise licence holder will organise a Safety Advisory group (SAG) meeting for all events in the outside area, the Sag to be held as a minimum 28 days before the event.
10. The Sag will set conditions for the event, and these will be produced in writing
11. The Balcony (and its doors) will be closed during regulated entertainment.
12. the premise licence holder will ensure that all external windows and doors (other than for necessary access/egress) shall be closed whenever licensed activity is provided at the premises.



13. The applicant will supply a written noise risk assessment and noise management plan that has been approved by Birmingham City Council Environmental Health Department. prior to any regulated entertainment in the external areas.
14. All operational control's and management required of the approved noise management plan shall be instigated at all times. If a noise risk assessment identifies a specific event or operation as a concern then a substantive noise assessment will be completed and shared with Birmingham City Council Environmental Health Department for approval before any events take place.
15. If a noise monitoring report is required then monitoring by an acoustic consultant using subjective (consultations perception of the noise) and objective methods (noise monitoring using a Sound Level Meter) shall be undertaken at local noise sensitive residential premises and all results documented. The monitoring locations and methodology shall be agreed with the BCC Environmental Health before monitoring is undertaken.
16. Any Noise limiting Devices (NLD's) that are installed to meet the requirements of the licence they shall be of a type approved by the Birmingham City Council Environmental Health Department and shall be fitted to the amplification system and set at a pre-set volume level approved by the Birmingham City Council Environmental Health Department, to ensure the volume of music is pre-set so as not to cause a noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Unit at least 14 days before its' initial operation and shall fulfil the following criteria:
  - a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position unless prior approval is given
  - b) The device shall be capable of cutting off the mains power to the amplification system if the volume exceeds the pre-set level determined by the Environmental Protection Unit or shall be capable of maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit and shall not restore power to the sound system until the NLD is reset by the licensee or their nominated person.
  - c) The amplification system shall only be operated through the sockets/power points linked to and controlled by the NLD at all times.
  - d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification system is operational.
  - e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.
17. The Premises Licence Holder shall ensure notices are displayed at all entrances and exits of the premises advising customers they have respect for the nearby residents and keep noise levels to a minimum as they depart.

**In light of the matters set out above I have no objections to the licence being granted provided appropriate conditions are imposed to deal with the concerns raised.**

---

**From:** [REDACTED]  
**Sent:** 04 June 2018 15:54  
**To:** Licensing  
**Subject:** Application for Premises Licence - 85 sandon Road, Edgbaston, B17 8DT

Dear Sirs

We are writing to object to the proposed licensing hours to be concluding at 0200. We believe this may result in unacceptable levels of noise and at far later hours into the night than anticipated from this development.

Our expectation of this development was for a private social club to be only used by the rugby club.

We feel we need to draw your attention to the planning consent given for this venue ( application number 2015/02983/PA ) where it is stated that a part of the consent was that a limit of hours of use of the clubhouse pavillion would be 08:00 to 23:00 Mondays to Sundays ( Final Officer Report - Public dated 15/12/2015 Section 8.2 clause 16)(also condition 16 within the planning decision (section 106 Agreement))

Those hours we felt were reasonable considering the relative closeness of the venue to our property and those of our neighbours.

Yours Sincerely

-----  
Poplar Avenue  
B17 8EG

---

**From:**  
**Sent:** 09 June 2018 13:48  
**To:** Licensing  
**Subject:** Avery Fields Sports & Events Ltd 85 Sandon Road Edgbaston Birmingham B17 8DT  
**Attachments:** DSC\_0364.JPG

Dear Sirs,

Avery Fields Sports & Events Ltd 85 Sandon Road Edgbaston Birmingham B17 8DT

I object to the application for the sale of alcohol for consumption both on/off the premises at the location above.

This is surrounded by residential properties with families and young children too.

It would be noisy until very late and into the early hours. The application is for extended hours until 2.00am and for seven days a week

This is inappropriate for the location.

Yours sincerely

Sent from my Sony Xperia™ smartphone

## Appendix 5

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**From:**  
**Sent:** 11 June 2018 16:31  
**To:** Licensing  
**Subject:** Proposed licensing for the Avery Fields Sport and Events

**To: Birmingham Licensing Team**

**Re: Proposed licensing for the Avery Fields Sport and Events, 85 Sandon Road, Edgbaston, Birmingham B17 8DT**

I am a resident in Wadhurst Road, and a member of our very active Street Association, and many of us in the street have been following the progress of the building of the Avery sports fields and social function facilities and pavilion, with some involvement in the initial planning process. It is not your concern, but many residents have recently experienced devastating flood damage to their houses, when the water flooded from the building site, though the houses, across the road and through houses on the other side of the road. It will take months for them to restore their homes.

We recently noticed that a licensing notice was posted on the railings at the entrances to the site, stating that there is a proposal for licensing of the social function rooms to be granted until 2am. This is not what the original planning permission stated, which was until earlier - 10pm or 11pm.

I would like to register my concern and objection, that it appears that the original time has been changed and with little opportunity for consultation, as few people are likely to have seen the notice on the railings.

There are many people living around the perimeter of the sports ground who are likely to be disturbed by late night events lasting until 2am, were that to be approved. It does not seem to be necessary to license a sports ground as late as that, within a residential area, where some live very close to where the function room will be.

Kind regards,

Wadhurst Road  
Birmingham  
B17 8JE

---

**From:** >  
**Sent:** 11 June 2018 22:08  
**To:** Licensing  
**Cc:**  
**Subject:** Application for a Premises Licence at by Avery Fields Sports & Events Ltd for 85 Sandon Road, Edgbaston, B17 8DT  
**Attachments:** Licensing Notice.jpg

Dear Sir / Madam,

We have seen a notice on Sandon Road regarding an application for a Premises Licence at by Avery Fields Sports & Events Ltd for 85 Sandon Road, Edgbaston, B17 8DT (image attached).

We object to this application for the following reasons.

1. The reason why this site is being returned to a sports facility, rather than being used for housing, is because of an historic Deed of Covenant stating that it would be used for sports in the future. If there is a bar on the site which is open until 2am, this would go against the spirit, and quite possibly the letter, of this Deed of Covenant.
2. There are many families with young children living in the vicinity. Noise from a nearby drinking establishment until 2am every night would be wholly inappropriate in this context and affect the sleep patterns of these children and disturb their education in the medium to long term.
3. In view of the number of families living within the vicinity there has been a drive to reduce the incidence of prostitution and drug dealing on Sandon Road and City Road. If the site were open until 2am this would potentially encourage more of this activity and reverse a lot of the good work achieved until now. This would constitute a big step backward for North West Edgbaston and the residents living here.
4. The original planning application to develop this site for sports stated that the site may be in use until 2200 hours, 7 days per week (paragraph 6.2.1 of the Environmental Noise Survey & Noise Impact Assessment from early 2015). We and many others objected to this because of the noise and disturbance that it would cause. There was a petition signed by over 40 households objecting to the development which was presented to the City Council; the noise and disturbance until 10pm every evening was the first point on the petition. There would have been many more signatories if the original application had stated 2am instead of 10pm.
5. In light of these objections, the updated Noise Impact Assessment (REPORT NO 151012-70014290-CB-R1-REV1) submitted by the applicant as part of the updated planning application in November 2015 stated in Table 5:1 on page 14 that the usage of the field would be until 21:30 from Monday to Friday, an improvement on 22:00 every evening. If the pavilion is now open effectively as a nightclub until 2am every night, this would seem to make a mockery of this concession previously made in order to assist getting the planning application granted.
6. If a licence were granted until 2am every day of the week then this would be a big change from the original planning application, and many more people would have objected to the original application if it had been stated that the site could be in use until 2am every day.

Please acknowledge receipt of this objection and advise us regarding timescales for consideration of this application.

Yours sincerely,

/ Wadhurst Road.

**Licensing Act 2003**  
**Notice of application for a Premises Licence**

Name of applicant: Avery Fields Sports & Events Ltd

Address of Premises: 85 Sandon Road, Edgbaston. B17 8DT

The licensable activities will be for:

The sale of alcohol for consumption On/Off the premises, Regulated entertainment Monday- Sunday 0800 – 0200. Late Night Refreshment 2300 - 0200 hrs

Anyone wishing to make a representation to this application may do so by

**18 JUNE 2018**

A record of the application made to the Licensing Authority will be kept on a register at the address given below and the register may be inspected during normal office hours.

All representations regarding this application must be in writing and sent to:

Licensing Department  
Birmingham City Council  
PO Box 17013  
Birmingham  
B6 9ES

Email: [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)

It is an offence knowingly or recklessly to make a false statement in connection with an application and is subject to a maximum fine of £5000 on summary conviction for the offence.

Alcohol Premises Licensing Agent. {Rob}  
Licence Leader Limited  
[www.licence-leader.co.uk](http://www.licence-leader.co.uk)

## Appendix 7

---

**From:**  
**Sent:** 16 June 2018 21:43  
**To:** Licensing  
**Subject:** 106440 Avery Fields Sports & Events Ltd 85 Sandon Road, Edgbaston, Birmingham, B17 8DT

I wish to lodge an objection to the above licence application on the basis that our residential properties share a common boundary with the sports field club house.

On behalf of myself, resident at ' Poplar Avenue and our neighbour Poplar Avenue  
we wish to object to the licence being granted on the basis that this is primarily a residential area.

Furthermore, the land which is the subject of the application is first and foremost a sports field, and local residents were assured that it would remain a sports field when the original planning application was made.

The suggestion that the club house will be licensed to serve alcohol, and do so until 2.00 am, is most unsuitable given the residential nature of the neighbourhood and the healthy/sport ethos of the development.

Yours faithfully,

Bearwood B66 4BX

## Appendix 8

---

**From:**  
**Sent:** 14 June 2018 17:02  
**To:** Licensing  
**Subject:** Application for a Premises License at by Avery Fields Sports & Events Ltd for 85 Sandon Road, Edgbaston, B17 8DT

Dear Sir / Madam,

We have seen a notice on Sandon Road regarding an application for a Premises Licence at by Avery Fields Sports & Events Ltd for 85 Sandon Road, Edgbaston, B17 8DT

We object to this application for the following reasons.

1. The reason why this site is being returned to a sports facility, rather than being used for housing, is because of an historic Deed of Covenant stating that it would be used for sports in the future. If there is a bar on the site which is open until 2am, this would go against the spirit, and quite possibly the letter, of this Deed of Covenant.
2. There are many families with young children living in the vicinity. Noise from a nearby drinking establishment until 2am every night would be wholly inappropriate in this context and affect the sleep patterns of these children and disturb their education in the medium to long term.
3. In view of the number of families living within the vicinity there has been a drive to reduce the incidence of prostitution and drug dealing on Sandon Road and City Road. If the site were open until 2am this would potentially encourage more of this activity and reverse a lot of the good work achieved until now. This would constitute a big step backward for North West Edgbaston and the residents living here.
4. The original planning application to develop this site for sports stated that the site may be in use until 2200 hours, 7 days per week (paragraph 6.2.1 of the Environmental Noise Survey & Noise Impact Assessment from early 2015). We and many others objected to this because of the noise and disturbance that it would cause. There was a petition signed by over 40 households objecting to the development which was presented to the City Council; the noise and disturbance until 10pm every evening was the first point on the petition. There would have been many more signatories if the original application had stated 2am instead of 10pm.
5. In light of these objections, the updated Noise Impact Assessment (REPORT NO 151012-70014290-CB-R1-REV1) submitted by the applicant as part of the updated planning application in November 2015 stated in Table 5:1 on page 14 that the usage of the field would be until 21:30 from Monday to Friday, an improvement on 22:00 every evening. If the pavilion is now open effectively as a nightclub until 2am every night, this would seem to make a mockery of this concession previously made in order to assist getting the planning application granted.
6. If a licence were granted until 2am every day of the week then this would be a big change from the original planning application, and many more people would have objected to the original application if it had been stated that the site could be in use until 2am every day.

Please acknowledge receipt of this objection and advise us regarding timescales for consideration of this application.

Kind regards,

Wadhurst Road, B17 8JF



---

**From:**  
**Sent:** 15 June 2018 09:38  
**To:** Licensing  
**Subject:** Application for a Premises License at by Avery Fields Sports & Events Ltd for 85 Sandon Road, Edgbaston, B17 8DT

Concerned Resident on Wadhurst Rd

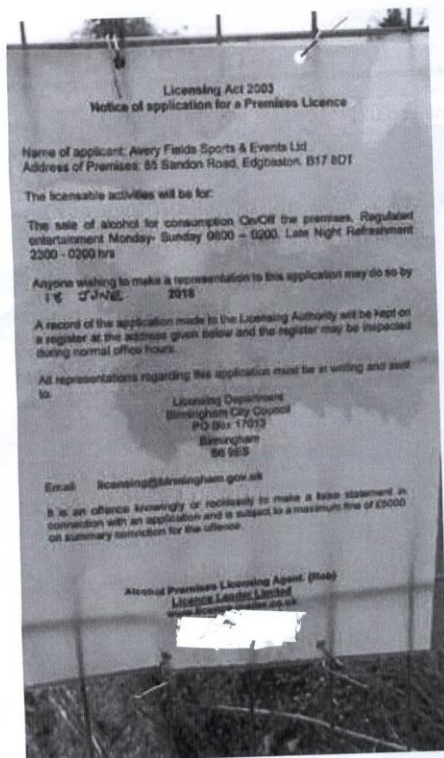
Dear Sir / Madam,

I have seen a notice on Sandon Road regarding an application for a Premises Licence at by Avery Fields Sports & Events Ltd for 85 Sandon Road, Edgbaston, B17 8DT. I have attached the image.

I object to this application for the following reasons.

1. There are many families with young children living in the area. Noise from a nearby drinking establishment until 2am every night would be wholly inappropriate in this context and affect the sleep patterns of these children and disturb their education in the medium to long term.
2. In view of the number of families living within this vicinity there has been a drive to reduce the incidence of prostitution and drug dealing on Sandon Road and City Road. If the site were open until 2am this would
3. There has been a huge concern in relation to drugs across the City and Sandon Roads. With the licensing to serve alcohol this will encourage this and it will make it more accessible. There are huge concerns about drug dealing and the licensing will potentially contribute to this.
4. The original planning application to develop this site for sports stated that the site may be in use until 2200 hours, 7 days per week (paragraph 6.2.1 of the Environmental Noise Survey & Noise Impact Assessment from early 2015). We and many others objected to this because of the noise and disturbance that it would cause. There was a petition signed by over 40 households objecting to the development which was presented to the City Council; the noise and disturbance until 10pm every evening was the first point on the petition. There would have been many more signatories if the original application had stated 2am instead of 10pm.
5. In light of these objections, there is a huge concern about the noise. This is a quite family neighborhood and the noise implication is of huge concern.
6. Another concern is for parking. You have parking facilities, however I am hugely concerns as we are round the corner and this could possibly have an impact onto our street.
7. If a licence were granted until 2am every day of the week then this would be a big change from the original planning application, and many more people would have objected to the original application if it had been stated that the site could be in use until 2am every day.

Please acknowledge receipt of this objection and advise me and the rest of the street regarding the timescale for the consideration of this application.



## Appendix 10

---

**From:**  
**Sent:** 15 June 2018 10:46  
**To:** Licensing  
**Subject:** Avery Fields Sports & Events 85 Sandon Road B17 8DT

Hi

I am writing this email based on a letter received through the post ( hand posted) regarding Avery Fields 85 Sandon Road Edgbaston B17 8DT , where the sale of alcohol for consumption on/off the premises regulated entertainment 0800-0200 , late night refreshment 2300-0200hrs.

Firstly I would like to ask , why this has even been considered ?

We object having alcohol served at all these premises , and those times for a number of reasons :-

1. On one hand they are promoting sport , building rugby pitches and hopefully encouraging the young and old to partake in sport.
2. On the other hand you are promoting alcohol consumption on sporting establishments. why ?
3. Its not good for the younger generation , how many young lives will this damage ?
4. Where sport is involved , leave it as sporting venue , nothing else.

Near the vicinity there are kings head pub , barleycorn pub , another on bearwood road , the Dog pub .. these are very close by which can be used by persons wishing to consume alcohol. I am writing this not to stop individuals consuming alcohol that's their prerogative , but its the location , the venue , the use where its classed as sports ground encouraging healthy lifestyle and fitness. Why not enhance it and build 5 x a side football pitches , indoor gym , this would benefit the community more.

I sincerely hope the lives of the young are taken into consideration , our future generation don't use and abuse and come out as alcoholics rather than great sportspersons , so please take this into consideration and also being in the midst of residential property the noise levels will increase .

---

**From:** [REDACTED]  
**Sent:** 15 June 2018 14:44  
**To:** Licensing  
**Subject:** Application for sale of alcohol and food and for an entertainment licence at Avery's former sports ground.

Dear Mesdames/ Sirs,

It is unfortunate that the people who live close to this ground will have to contend with the noise of players and spectators, with the floodlights, and with the traffic, parking, banging of car doors.

But now, we hear, the owners, lessees or whatever they are are seeking to have entertainment till the small hours and to be allowed to sell food all day and part of the night and, worst of all, to sell alcohol to be consumed not only on their premises but outside.

This is a residential area, inhabited by working-class and routine white-collar workers. They are not rich. They have no political clout with left or right. But they DO have to get up and go to work, and many have children. They are entitled to peace and quiet.

So, please dismiss this application as it stands, and certainly curtail the hours of entertainment and sale of drink.

Yours,

---

**From:** [REDACTED]  
**Sent:** 15 June 2018 14:31  
**To:** Licensing  
**Subject:** Application by Avery Fields Sports & Events Ltd

Dear Licensing Committee,

I am writing to object to the above - mentioned application on the grounds that the sale of intoxicants for consumption on AND OFF the premises is bound to lead to neighbourhood disturbance. As your Committee well knows, intoxication reduces inhibition, and if 'patrons' of the Avery F.S.E premises are permitted to consume their drink OFF the premises, then there is every chance that the surrounding RESIDENTIAL streets, such as City Road, Wadhurst Avenue, Poplar Avenue, Sandon Road will be infested by 'merry' people enjoying themselves, (and maybe each other), bawling at the tops of their voices, arguing, possibly fighting. The fact that Rugby is a game for thugs played by gentlemen does not mitigate this likelihood, since many of us have, at some time or another, heard 'the sound of the English county families baying after broken glass'.

I object not only to the sale of intoxicants for consumption off the premises, but also to the application for 'entertainment' and the sale of food continuously from 8 am to 2 am the next morning. I am capable of entertaining myself quietly, but I believe it is true to say that most 'mass' entertainment involves noise. It is bad enough that the neighbourhood will have to put up with the players and spectators making noises during matches, let alone the prospect of uninhibited, inebriated audiences 'enjoying' Karioke, or lap-dancing, or a concert of skiffle music - whatever, in other words, is thought to entertain people in this day and age.

I ask the Committee, therefore, not to act like the Wolverhampton Private Hire Taxi committee, which rides roughshod over the views of ordinary people, but to remember that ordinary families live close to this sports ground. They pay rates. They have to get up and go to work. Many of them have children. Very few, if any, will find the ground and the matches of any benefit to them. What they will find, if this application is allowed, is not only disturbance by floodlights and an unacceptable increase in traffic and parking but, to add insult to injury, noise and disturbance by rowdy oafs all day and into the small hours.

The Brexit vote was the vote of the 'laissés pour compte' - the taken for granted, who felt that the powerful took no notice of them. I make this request, that you listen to the ordinary people.

Yours faithfully,

Sent from Samsung tablet

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**From:**  
**Sent:** 18 June 2018 08:36  
**To:** Licensing  
**Subject:** Application for a Premises Licence at by Avery Fields Sports & Events Ltd for 85 Sandon Road, Edgbaston, B17 8DT

Dear Sir / Madam,

We have seen a notice on Sandon Road regarding an application for a Premises Licence at by Avery Fields Sports & Events Ltd for 85 Sandon Road, Edgbaston, B17 8DT (image attached).

We object to this application for the following reasons.

1. The reason why this site is being returned to a sports facility, rather than being used for housing, is because of an historic Deed of Covenant stating that it would be used for sports in the future. If there is a bar on the site which is open until 2am, this would go against the spirit, and quite possibly the letter, of this Deed of Covenant.
2. There are many families with young children living in the vicinity. Noise from a nearby drinking establishment until 2am every night would be wholly inappropriate in this context and affect the sleep patterns of these children and disturb their education in the medium to long term.
3. In view of the number of families living within the vicinity there has been a drive to reduce the incidence of prostitution and drug dealing on Sandon Road and City Road. If the site were open until 2am this would potentially encourage more of this activity and reverse a lot of the good work achieved until now. This would constitute a big step backward for North West Edgbaston and the residents living here.
4. The original planning application to develop this site for sports stated that the site may be in use until 2200 hours, 7 days per week (paragraph 6.2.1 of the Environmental Noise Survey & Noise Impact Assessment from early 2015). We and many others objected to this because of the noise and disturbance that it would cause. There was a petition signed by over 40 households objecting to the development which was presented to the City Council; the noise and disturbance until 10pm every evening was the first point on the petition. There would have been many more signatories if the original application had stated 2am instead of 10pm.
5. In light of these objections, the updated Noise Impact Assessment (REPORT NO 151012-70014290-CB-R1-REV1) submitted by the applicant as part of the updated planning application in November 2015 stated in Table 5:1 on page 14 that the usage of the field would be until 21:30 from Monday to Friday, an improvement on 22:00 every evening. If the pavilion is now open effectively as a nightclub until 2am every night, this would seem to make a mockery of this concession previously made in order to assist getting the planning application granted.
6. If a licence were granted until 2am every day of the week then this would be a big change from the original planning application, and many more people would have objected to the original application if it had been stated that the site could be in use until 2am every day.

Please acknowledge receipt of this objection and advise us regarding timescales for consideration of this application.

Sent from my iPhone

**From:**  
**Sent:** 17 June 2018 18:12  
**To:** Licensing  
**Subject:** Licence Application - Avery Fields, Sandon Road

Dear Sir / Madam,

Could you please take this email as my objection to a 2am licence at the Avery Fields site.

My objections to the licence are as follows;

1. This is a built up residential area. There has once again been no engagement and consultation from Bournville Rugby Club. 12 midnight is perfectly sufficient for a bar licence. They are running a rugby club not a nightclub. A 2am licence is likely to cause local disturbance and have a negative downside. In an area that has previously been blighted with drugs and prostitution issues these are likely to be resurrected with such a late licence.
2. I am chairman of a Birmingham League cricket club. I can assure you that in 5 years of running that club, 12 midnight is an absolutely sufficient time for a bar to close at a sports club.
3. Bournville Rugby Club have a clear contempt and a lack of any concern whatsoever for local residents. They are ignorant to the problems they have already caused in the area with this development and couldn't care less for the residents concerns. As a result of negligent building and development on the site residents have suffered flooding which culminated on 27th May when the drainage collapsed on site. This is currently subject to council investigation and litigation. From my personal point of view my family has now been put in temporary accommodation for six months as a result of flooding and run off from the building site flooding our house and causing extensive damage. We have had no contact or apology from Bournville Rugby Club and their only response to social media posts has been to block me. They have utter contempt for local residents and there is no way that a 2am licence should be entertained.

Should you have any further queries or require further representations please do not hesitate to contact me

Yours faithfully

Wadhurst Road

Get [Outlook for Android](#)

## Appendix 15

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**From:** ,  
**Sent:** 17 June 2018 12:51  
**To:** Licensing  
**Subject:** 85 sandon rd licensing for alcohol. Avery sport & events ltd.

Dear sir / madam, I am writing to express concern over the recent application for alcohol licensing from 20-2:00hrs 7 days a week at 85 sandon road Avery field sports & events. For a recreational / sporting venue I find the request perplexing and not at all in the keeping of a sports and sport event training centre.

Considering the recent issues sandon road residents have faced, Alcohol related violence, prostitution, drugs, I oppose any blanket application for the time specified given the problems I and other residents have personally faced along sandon road.

As the license for alcohol is associated with events other than sport, I find the request not clear and transparent, and has not been sufficiently communicated to residents of the area given the possibility of added noise, congestion and public order issues at early hours of the morning for 7 days of the week.  
Sincerely.



## Appendix 16

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**From:**  
**Sent:** 17 June 2018 10:08  
**To:** Licensing  
**Subject:** Avery fields sports and events

Concerning the license application for sale and consumption of alcohol and late night refreshments. We strongly object to this as when planning application was granted we the residents affected were told all lights would be switched off at 22:00 latest. Also that a sound barrier would be erected at the rear of my garden this has also not happened.

The sale of alcohol will only encourage anti-social behaviour and bring a greater risk of burglaries to the area. I have also sent a written objection in the post.

City Rd  
Edgbaston  
Birmingham  
B17 8LL

Sent from my iPhone

## Appendix 17

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**From:**  
**Sent:** 17 June 2018 09:50  
**To:** Licensing  
**Subject:** Application for License: Avery Fields Sports and Events Ltd - 85 Sandon Raod, Edgbaston, Birmingham B17 8DT  
**Attachments:** Premises Licence - Avery Fields - 85 Sandon Road Edgbaston B17 .pdf

Dear Sir / Madam

As a local resident, please find attached my letter of objection for the application for a premises license by Avery Fields Sports and Events Ltd, 85 Sandon Road, Edgbaston, Birmingham B17 8DT. The application was for the sale & supply of alcohol on / off the premises and Regulated entertainment Monday- Sunday 0800 - 0200, Late Night Refreshment 2300 - 0200 hrs.

Many thanks for considering my letter.

Regards

Sandon Raod  
Edgbaston  
Birmingham  
B17 8DT

Sandon Road  
Edgbaston  
Birmingham B17 8DT

15<sup>th</sup> June 2018

Licensing Department  
Birmingham City Council  
PO Box 17013  
Birmingham B6 9ES

Dear Sir / Madam

I am writing to register my objection to the application for a premises licence by Avery Fields Sports and Events Ltd, 85 Sandon Road, Edgbaston, Birmingham B17 8DT.

The application has just been brought to my attention and is very limited in detail. It states Sale & Supply of alcohol on / off the premises and Regulated entertainment Monday- Sunday 0800 - 0200, Late Night Refreshment 2300 - 0200 hrs.

The basis of the objection is that:

1. The license has been requested for seven days a week. This means that noise from both entertainment, drinking and the car park could be generated every night until after 2am in a residential area.
2. It is proposed that alcohol will be sold on and off the premises in a residential area. The application, does not define as to how the off the premises distribution of the sale of alcohol could happen or be controlled.
3. It is proposed that late night refreshments would be sold until 2am. This again could be off the premises and contribute to noise and disruptive behaviour in a residential area in the early hours of the morning.
4. The provision of entertainment is not defined. Music etc. being played until 2am in the morning will again introduce problems with noise whilst many people in the area are asleep. The application again suggests that this could happen seven days a week.

The original scope of the planning permission for Avery fields was for a sports centre. There was no reference to the use of the venue in the early hours of the morning or entertainment and refreshments being sold until 2am.

Avery Sports Ground as a venue for late night / early morning entertainment seven days a week is not appropriate for a residential area. It could even be that events that are not sports related take place, and due to the number of people involved add pressure on car parking, access, noise etc.

In summary, I am concerned that granting a licence for these premises under the current application scope will impact severely on a residential area, particularly noise and antisocial behaviour. Indeed, it is likely that noise will continue until the car park and venue are closed; which will be well past 2am.

Thank you for considering my objection.

Yours faithfully

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**From:**  
**Sent:** 15 June 2018 15:51  
**To:** Licensing  
**Subject:** Application for Avery Fields Sports And Events Ltd, at 85, B17 8DT

Dear Sir/Madam,

I refer to the application for "On / Off late night refreshments at above, to cover 2300hrs-0200hrs, Mon to Sun ( ie ALL Week), for above new development.

May I remind that the original planning app: 2015/02983, was agreed on stipulation of section 16, "limiting club House use between 0800 hrs and 2300hrs. Every day".

As a resident likely to be adversely affected by additional noise and related disruptions, I would register strong opposition to the new proposals.

Perhaps a compromise solution, would be consideration of an extension to the original closure time to Midnight, for Fridays and Saturdays only. With rest of week, remaining on the original 2300hrs closure. Reasonably late enough for Sundays and "school nights".

Also: I could do with clarification on what exactly is meant by "Consumption OFF premises". How far and wide does this extend?

Thank you for taking my points into due consideration. I look forward to hearing your acknowledgement to this message, and update on progress for a logical and sensible conclusion. Thank you for taking into account the close proximity of a surrounding, established neighbourhood.

Kind Regards

Email as stated.

**From:**  
**Sent:** 18 June 2018 22:21  
**To:** Licensing  
**Subject:** Entertainment license objection

Dear Sir

Application for license on new development on land behind Wadhurst Road and City Road

I wish to register my strong objections to the proposed extended license application on this new development.

I apologise that this objection is last minute and brief but I hope you will understand that I and my near neighbours have been forced to temporarily vacate our houses following the bank holiday floods.

My objection is based on several matters:

First that these extended hours are against the limited basis upon which the planning was approved;

Second that having a 2am license is totally out of character for a totally residential area and will have a negative environmental impact on noise, pollution and sleeping for the families in the area. This is a wholly residential location and the noise and increase in traffic is very worrying. There are already problems with drivers using Wadhurst Road as a rat run from City Road;

Thirdly the application would seem to be totally out of keeping with the covenant that the land is used for sport-allowing an entertainment license to 2am is a total change in the nature of the primary activity of the site and not in keeping with either the deed or the planning approval.

I am sure more of us would lodge objections if we were not having to deal with the impact of the recent floods which at the very least seem to have been exacerbated by the impact of the building work on the site itself.

Yours faithfully

Wadhurst Road  
Birmingham  
B17 8JE

Sent from my iPad

Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

I/We **Avery Fields Sports & Events Ltd**

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

<p>REGULATION &amp; ENFORCEMENT LICENSING SECTION DATE RECEIVED 21 MAY 2013</p>
<p>REF NO. .... INITIALS .....</p>

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
85 Sandon Road Edgbaston			
Post town	Birmingham	Postcode	B17 8DT

Telephone number at premises (if any)	Via Agent
Non-domestic rateable value of premises	£ Not yet listed.

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |   |
|---|---|
| a) an individual or individuals *               | <input type="checkbox"/> please complete section (A)            |
| b) a person other than an individual *          |   |
| i. as a limited company                         | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or        | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B)            |
| c) a recognised club                            | <input type="checkbox"/> please complete section (B)            |
| d) a charity                                    | <input type="checkbox"/> please complete section (B)            |

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

**\* If you are applying as a person described in (a) or (b) please confirm:**

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number			Via agent		
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	Avery Fields Sports & Events Ltd
Address	
Registered number (where applicable)	
Company number	
Description of applicant (for example, partnership, company, unincorporated association etc.)	Sports and Events company set up to run this venue.
Telephone number (if any)	
E-mail address (optional)	Via Agent.:



### **Part 3 Operating Schedule**

When do you want the premises licence to start? **ASAP**

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

This venue consists of a two storey purpose-built permanent building and sports fields on a 13 acre greenfield site situated just off the Hagley Road in Edgbaston. The development will include a new two-storey clubhouse with 6 large en suite changing rooms, a treatment room and laundry facilities situated on the ground floor and a large club room with balcony, bar, kitchen and office on the first floor. There will also be two full size grass pitches and one full size RFU accredited artificial pitch with floodlights situated adjacent to the clubhouse.

The premises will have a positive impact on the community, which includes suppliers, employees, customers, the environment and the people of the local area. It will always show due diligence to the licensing objectives and ensure it has a positive impact in all it does.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

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

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

☒

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



In all cases complete boxes K, L and M

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon	0800	0200			
Tue	0800	0200			
Wed	0800	0200	<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur	0800	0200			
			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5) New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day		
Fri	0800	0200			
Sat	0800	0200			
Sun	0800	0200			

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input checked="" type="checkbox"/>
Mon	0800	0200	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue	0800	0200			
Wed	0800	0200	<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Thur	0800	0200			
Fri	0800	0200	<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat	0800	0200	New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day		
Sun	0800	0200			

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon	0800	0200	
Tue	0800	0200	<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed	0800	0200	
Thurs.	0800	0200	<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day
Fri	0800	0200	
Sat	0800	0200	
Sun	0800	0200	

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish				
Mon	0800	0200	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Tue	0800	0200				
Wed	0800	0200	<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)			
Thurs.	0800	0200				
Fri	0800	0200	<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day			
Sat	0800	0200				
Sun	0800	0200				

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	0800	0200			
Tue	0800	0200			
Wed	0800	0200	<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 4)		
Thurs.	0800	0200			
Fri	0800	0200			
			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat	0800	0200	New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day		
Sun	0800	0200			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	0800	0200			
Tue	0800	0200			
Wed	0800	0200	<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Thurs.	0800	0200			
Fri	0800	0200			
			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat	0800	0200	New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day		
Sun	0800	0200			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input checked="" type="checkbox"/>
Mon	0800	0200	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Tue	0800	0200			
Wed	0800	0200	<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Thur	0800	0200			
Fri	0800	0200	<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day		
Sat	0800	0200			
Sun	0800	0200			



## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors <input type="checkbox"/>
Mon	0800	0200		Outdoors <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
Tue	0800	0200	<b><u>Please give further details here</u></b>  New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day (please read guidance note 3)	
Wed	0800	0200		
Thurs.	0800	0200	<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)	
Fri	0800	0200		
Sat	0800	0200	<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Sun	0800	0200		

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish				
Mon	2300	0200	<b><u>Please give further details here</u></b> (please read guidance note 3)  New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day			
Tue	2300	0200				
Wed	2300	0200	<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)			
Thurs	2300	0200				
Fri	2300	0200	<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Sat	2300	0200				
Sun	2300	0200				

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b><u>Will the supply of alcohol be for consumption – please tick</u></b> (please read guidance note 7)		On the premises <input type="checkbox"/>
					Off the premises <input type="checkbox"/>
Day	Start	Finish			Both <input checked="" type="checkbox"/>
Mon	0800	0200	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 4)  New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day		
Tue	0800	0200			
Wed	0800	0200			
Thurs	0800	0200	<b><u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri	0800	0200			
Sat	0800	0200			
Sun	0800	0200			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:**

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

N/A

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)  New Year's Eve - from end of standard hours to commencement of standard hours New Year's Day
Day	Start	Finish	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Mon	0700	0300	
Tue	0700	0300	
Wed	0700	0300	
Thurs	0700	0300	
Fri	0700	0300	
Sat	0700	0300	
Sun	0700	0300	

## M

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

The premises {including the restaurant and bar} will be professionally supervised by the DPS and the appointed catering company and staff at all times. There will be comprehensive policies and procedures in place to ensure that the premises are fully compliant with all four of the licensing objectives.

Staff training will be both comprehensive and reviewed on a regular basis, with records being retained at the premises; available for inspection by any Responsible Authority at reasonable notice.

All new members of staff will be trained within 1 month of commencing their employment.

**b) The prevention of crime and disorder**

The Premises Licence Holder will ensure that

- CCTV is installed on the premises and that WM Police will have full access to any recorded images.
- The CCTV will be fitted correctly and that images will be held up to 31 days and these images will be made available upon request to any Responsible Authority.
- The CCTV system is recording whenever the premises is open for licensable activities

An "incident book" will be kept at the premises and completed on any occasion an incident occurs, this will be made available to all Responsible Authorities on request.

A "Refusals log" will be maintained at the premises and completed as appropriate, this will be made available to all Responsible Authorities on request, and be regularly reviewed by the DPS.

**c) Public safety**

In accordance with the Licensing Act 2003, any person who appears to be drunk or heavily under the influence of alcohol will not be served.

The Premises Licence Holder shall ensure that all entrances, exits and passageways are kept clear of debris or furniture, for ease of exiting the premises in the case of an emergency.

Car parking stewards will be in attendance at all times when the car park is used for matches, in order to control traffic and monitor movement of vehicles.

**d) The prevention of public nuisance**

The Premises Licence Holder shall ensure that sufficient signage is displayed requesting customers to have regard for residents when leaving the premises.

Taxi drivers will be instructed not to use their horns when waiting for customers to leave the premises.

Staff will ensure that regular litter picks take place at the frontage of the property, and the perimeter fence to ensure no debris is left as litter by customers.

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

Staff will advise that children will not be allowed to approach the bar server area, except at a designated position.

A challenge 25 Policy will be fully implemented and only recognised forms of ID will be accepted.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

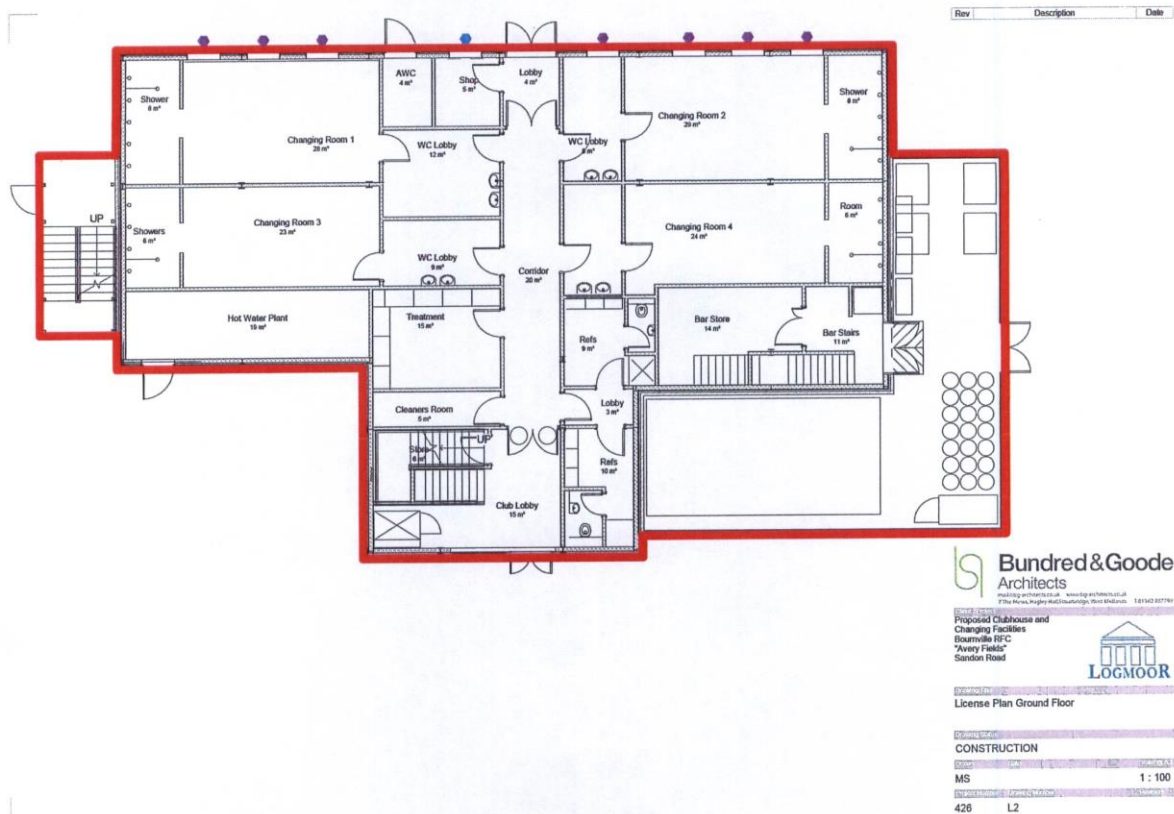
**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 11).

**If signing on behalf of the applicant, please state in what capacity.**

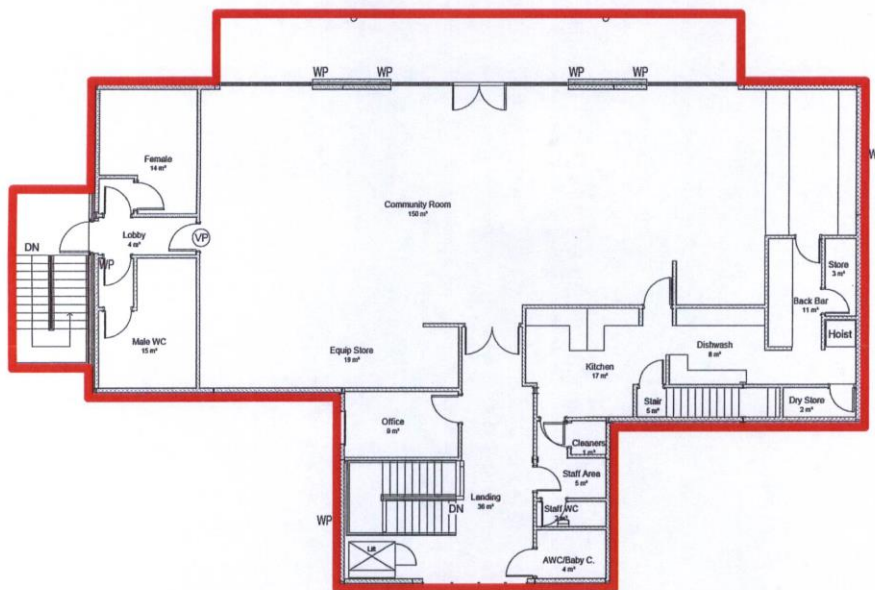
Signature	
Date	21, May 2018
Capacity	Agent for and on behalf of the applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature			
Date			
Capacity			
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) <b>Robert V Edge</b> <b>Licence Leader Ltd</b>			
Post town	<b>Birmingham</b>	Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			







Rev	Description	Date
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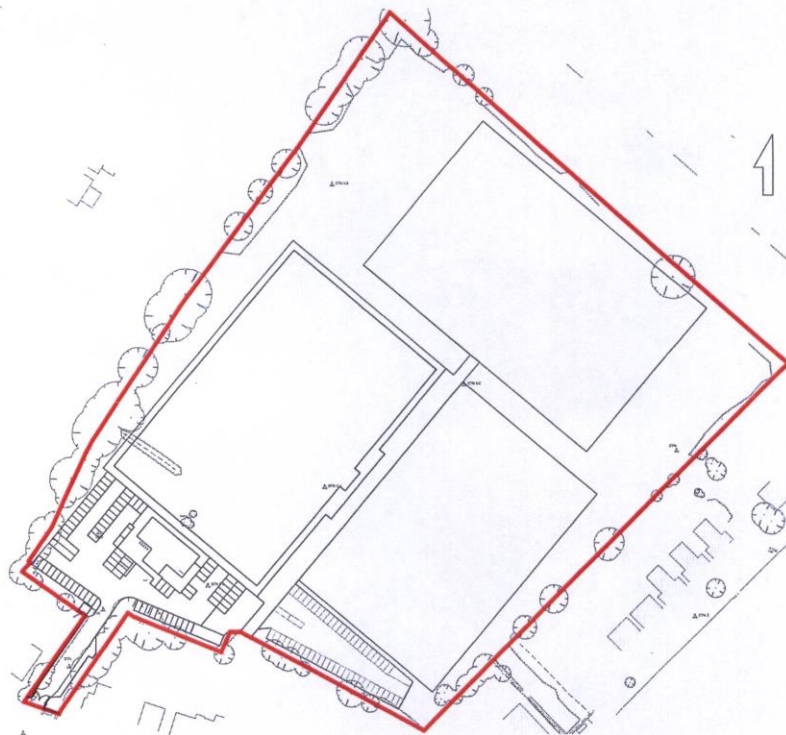
**Bundred & Goode Architects**  
 Bundred & Goode Architects Ltd  
 1 The Avenue, Bury, Greater Manchester, M8 2JN  
 0161 251 7794

**Proposed Clubhouse and Changing Facilities**  
 Downville RFC  
 "Avery Field"  
 Sandon Road

**LOGMOOR**

License Plan First Floor

Rev	Description	Date
MS	MS	1 : 100
426	L3	



Rev	Description	Date
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**Bundred & Goode**  
Architects  
bundredandgoode.co.uk bundredandgoode.co.uk  
17 The Avenue, High Wycombe, Bucks HP12 3JN Tel: 0494 400777

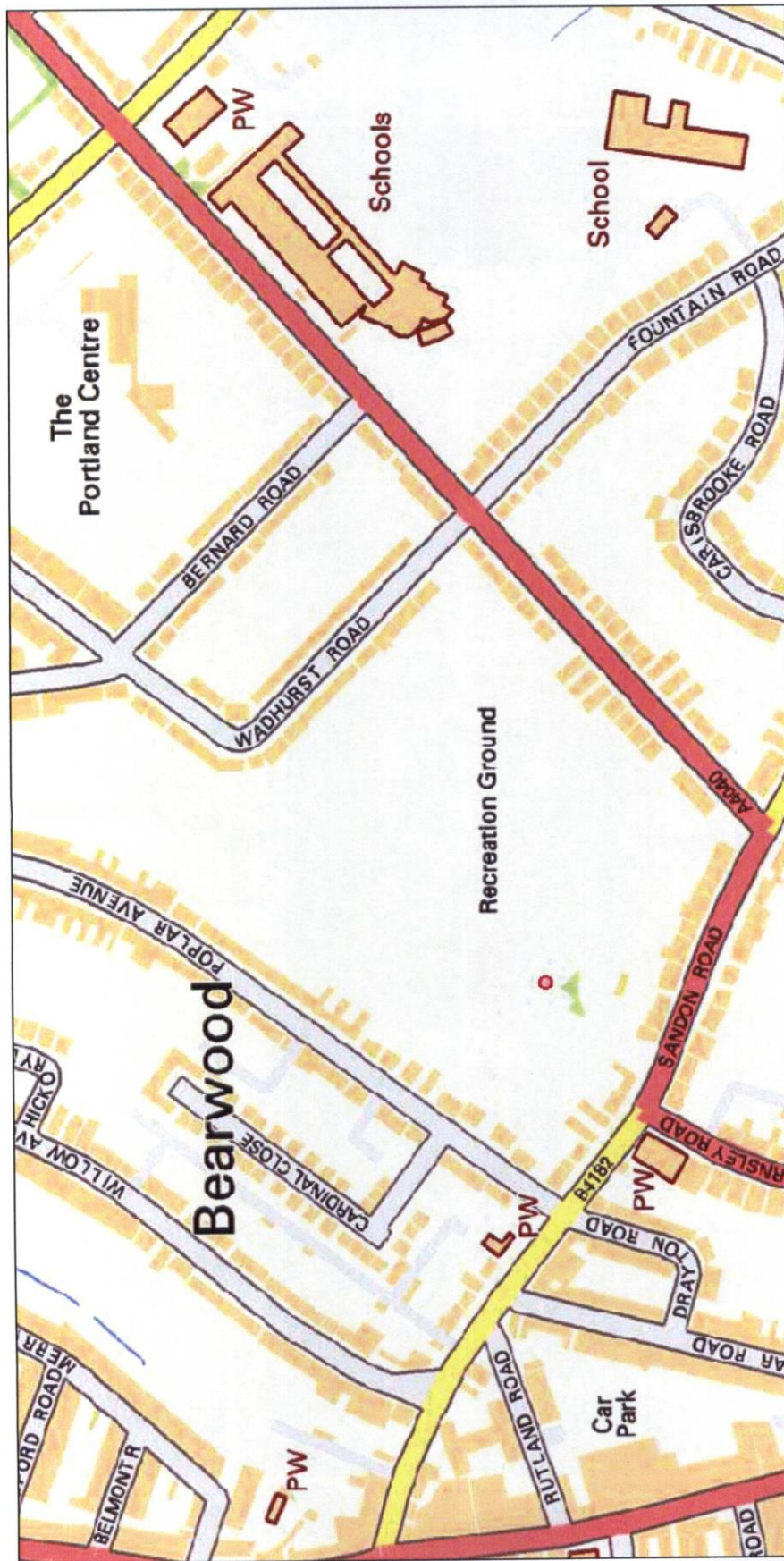
**Donville RFC**  
"Avery Fields"  
Sandon Road  
Edgubaston  
B17 8LL

**License Plan Site Plan**

**CONSTRUCTION**

**MS** 1:1250

**L (2) 07**



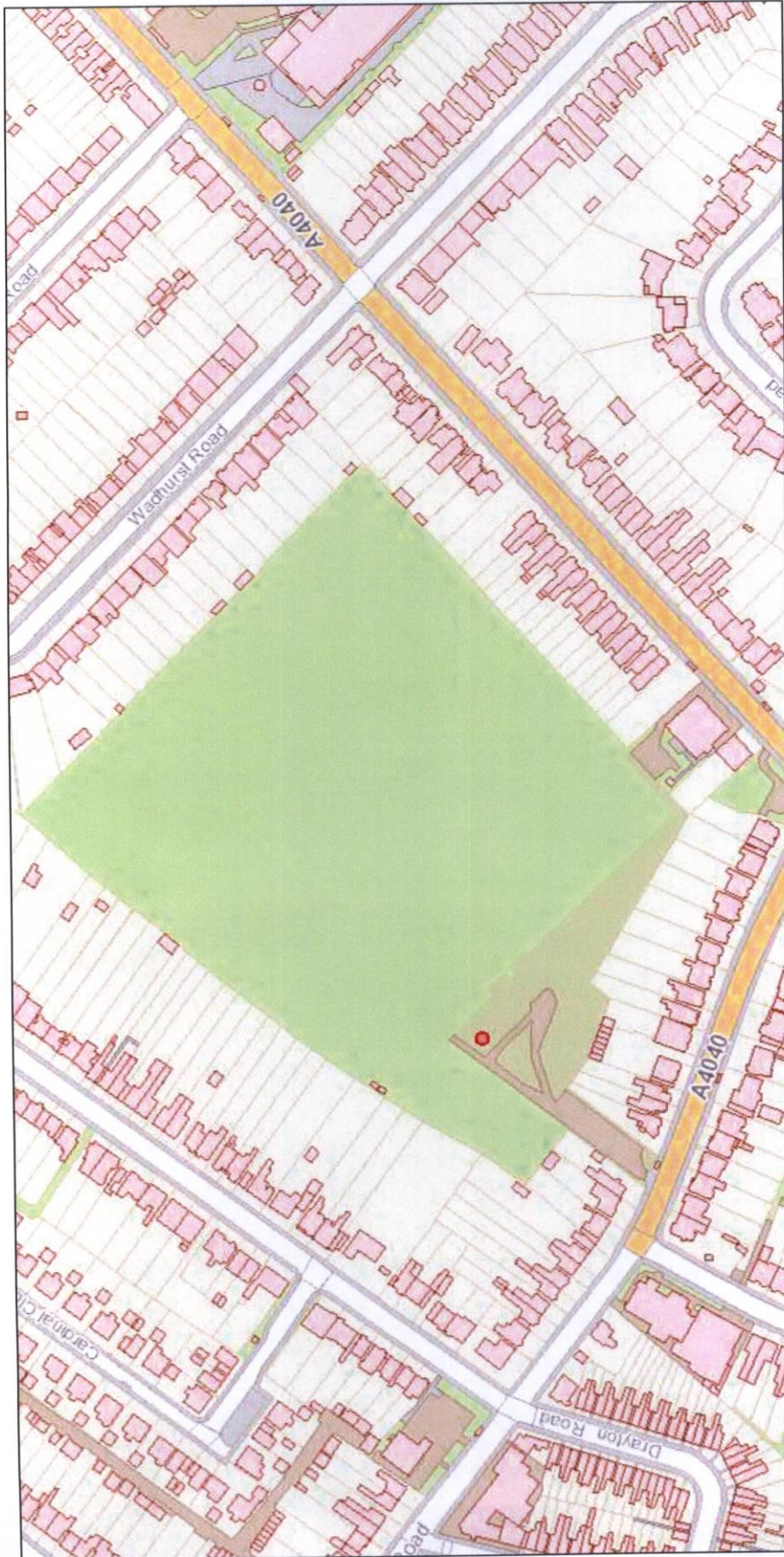
# Map Notes

Map Created By:  
Date of Map Creation: 22/06/2018

**Birmingham City Council**

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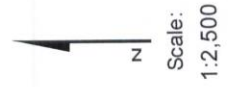
#### Map Notes

Map Created By:  
Date of Map Creation: 22/06/2018



**Birmingham City Council**

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# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Acting Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 9<sup>th</sup> July 2018</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Variation</b>
<b>Premises:</b>	<b>New Inn, 74 Vivian Road, Harborne, Birmingham, B17 0DJ</b>
<b>Ward affected:</b>	<b>Harborne</b>
<b>Contact Officer:</b>	<b>Bhupinder 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 relevant representations that have been made in respect of an application to vary the Premises Licence which seeks:

- To reduce the size of the licensed area internally so as to create a new wash up facility adjacent to the bar server.
- The formation of a new garden server point to the rear of the premises. The existing store is to be remodelled so as to create a garden service point for retail sale of alcohol which will be consumed by way of off sales within the beer garden.

The application is for a plan change only and there is no change to the licensable activities or hours.

### 2. Recommendation:

To consider the representations that have been made and to determine the application.

### 3. Brief Summary of Report:

Variation application received on 21<sup>st</sup> May 2018 in respect of New Inn, 74 Vivian Road, Harborne, Birmingham, B17 0DJ.

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

### 4. Compliance Issues:

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

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

<b>5. Relevant background/chronology of key events:</b>
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<p>Marstons Plc applied on 21<sup>st</sup> May 2018 to vary the Premises Licence for New Inn, 74 Vivian Road, Harborne, Birmingham, B17 0DJ.</p> <p>A representation has been received from Environmental Health, as a responsible authority, which is attached at Appendix 1</p> <p>Representations have been received from other persons. See Appendices 2 - 8.</p> <p>The application is attached at Appendix 9.</p> <p>The current Premises Licence is attached at Appendix 10.</p> <p>Site Location Plans at Appendix 11.</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>
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<b>6. List of background documents:</b>
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<p>Copies of the representations as detailed in Appendices 1 - 8</p> <p>Application Form, Appendix 9</p> <p>Current Premises Licence, Appendix 10</p> <p>Site Location Plans, Appendix 11</p>
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<b>7. Options available</b>
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<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>
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## Appendix 1

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**From:**  
**Sent:** 18 June 2018 17:01  
**To:** Licensing  
**Cc:**  
**Subject:** FW: WK/009032585 - Representation - The New Inn  
**Attachments:** New Inn.rtf

All,

Please find representation.

---

Regards,

Paul Samms  
Environmental Protection Officer

Environmental Protection Unit  
Environmental Health  
Manor House  
40 Moat Lane  
Digbeth  
Birmingham  
B5 5BD

Environmental Health, Regulation & Enforcement, Birmingham City Council, PO BOX 15908, Birmingham, B2 2UD

Website: <http://www.birmingham.gov.uk/eh>  
Facebook: <http://www.facebook.com/ehbham>  
Twitter: <http://www.twitter.com/ehbham>  
Flickr: <http://www.flickr.com/photos/envhbham>

"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

To:	Licensing Section,	Date: 18th June 2018
From:	Paul R Samms, Environmental Protection Officer Environmental Health, 40 Moat Lane, Birmingham, B5 5BD	
CC:		Ref:
Subject:	Application for Premises License – Licensing Act 2003 Address – The New Inn,	

I, Paul R Samms, as a representative of Environmental Health, formally raise a representation on the above application.

My representation concerns the likely effect of the grant of the licence (in it's current form) on the promotion of the licensing objectives of:

- a) the prevention of public nuisance.

The Premises (and its external areas) border residential units. Occupants of these residential units will be in very close proximity to noise sources.

The applicant wishes to utilise the external beer garden area more effectively by use of the new severing hatch. There are also plans to have a screen placed in the garden. The screen is to be used only during the World Cup season only and includes;

1. The playing of all football games (19<sup>th</sup> June – 17<sup>th</sup> July). All games with the exception of the England games will be silent.
2. The screening of films (the plans to be 6 cinema showings during the period).

This will involve an intensification of the use and so increase the likelihood of residents experiencing intrusive noise.



I am concerned that the grant of the licence in its present form would potentially result in noise nuisance (particularly during noise sensitive times) due to noise breakout from the sound patrons in the external areas.

#### **Conditions and Suggested Hours**

I believe that the above concerns can be dealt with by the use of appropriate conditions.

#### **Conditions**

1. Screens will only be used in the external areas initially from:
  - a. 19th June 2018 – 17th July 2018.
  - b. with prior written permission of Env. Health.
2. Patrons themselves will not be served at the beer garden servery.
3. The beer garden servery will be used exclusively by staff only.
4. The use of the servery shall cease at 9:30pm.
5. The beer garden will be cleared of all patrons by 10pm each night. Staff will ensure that patrons are escorted inside the building.
6. There will be no regulated entertainment in the beer garden at any time.

## Appendix 2

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**From:**  
**Sent:** 10 June 2018 16:50  
**To:** Licensing  
**Subject:** application 106441

To whom it may concern

Re application 106441

I have strong objections to the application being granted.  
These objections are on the grounds of  
Prevention of Crime and Disorder  
Prevention of Public Nuisance

There is loud noise, shouting and on occasions fights after 23.00hrs on a regular basis. The noise is intrusive and affects my quality of life. I am unable to open a window and often have to play music in my bedroom in order to block out the shouting and screaming from the garden. The noise frequently interferes with my sleep – either preventing me falling asleep or waking me up.

My quality of life and well being are negatively affected by these premises has been used as an outdoor drinking area. The current managers are particularly inconsiderate to the neighbours having loud music playing outside with no notice given to the residents in the area and appearing to have no concern for the local residents. I have come inside now as there is music being played by a DJ for over 2 hours. I am unable to enjoy being in my own garden as any day that is pleasant and warm, the pub is noisy and it is unpleasant for me. This is a residential area.

People park illegally (including on my own driveway) and cause obstructions to the safe movement of traffic and people. Including children at the school <100 m away. And people leave the pub shouting and fighting, and frequently urinate in the surrounding streets. I see this when I'm woken and stressed! It is not pleasant.

These problems will all be further exacerbated by the granting of this application and I urge you to consider the wellbeing and quality of life of the people who live near this pub equal to or ahead of the financial concerns of the corporation who own these premises.

---

**From:**  
**Sent:** 11 June 2018 10:58  
**To:** Licensing  
**Subject:** Licence Application 106441 - Marstons / The New Inn Harborne  
**Attachments:** 017\_06951\_PA.pdf

To Licensing Department,

I am writing to place my objection to the licence application **106441** – The New Inn Harborne.

My concern is that an outside bar will significantly increase the level of noise in the garden which even at this present time, before any revision, is already causing public nuisance to local residents.

Approval of this licence application will undermine at least three out of four licensing objectives, namely:

- 1) Prevention of Public Nuisance
- 2) Protecting children from harm
- 3) Prevention of Crime and Disorder

The fourth objective (public safety) potentially could be undermined if the position of the requested bar in the garden increases the likelihood and ability to remove alcohol away from the premises.

Concerning Public Nuisance – I refer you to section 6.10 of the attached conclusion of Marston's Planning application in 2017. It concludes that increase in food trade indoors (and one situated indoors) would lead to a decrease in noise levels. I wish to point out then that the reverse should be true – and based on my experience this year it is – that increase an increase in drinks trade will increase the level of noise and disturbance. An approval of Marton's licencing application here would be a contradiction to the Planning Officer's conclusion.

Since the point in time when The New Inn returned to being operated by Marston's last year and particularly throughout this spring, there has been increasing levels of nuisance that residents in Vivian Road have experienced. The proposed outdoor bar increases the risks of being able to uphold all four licencing objectives. As evidence of this, the recent experiences cover but are not limited to the following:

1. Excessive noise from the garden – including chanting / screaming (all Friday / Saturday / Sundays but specifically 5/6/7<sup>th</sup> May, June 2<sup>nd</sup>, June 3<sup>rd</sup> and June 10<sup>th</sup>)
2. Loud Music (10<sup>th</sup> June)
3. Late drinking and presence in garden beyond licensed opening hours (frequently and last occasion 2<sup>nd</sup> / 3<sup>rd</sup> June)
4. Fighting (other residents objections may well indicate dates when Police called)
5. Urinating on residents houses (April)
6. Glasses broken in street and littered in neighbouring property along Vivian and Greenfield Road (this is something an outside bar will exacerbate causing risk to public safety and harm to children – my child has fallen on broken glass)
7. Flood lights left on and directed at neighbouring houses (more lighting required to facilitate the outdoor bar?)

Creating an 'outdoor bar' exacerbates the above issues. It is not a control and instead it will directly increase the volume and severity of the above outcomes. There is a likelihood even more glasses removed from the premises via the garden (risking child harm), more alcohol consumed to excessively intoxicated customers, more noise at an unreasonably late hour that is not contained via any means. No management controls appear to be applied to mitigate the above areas of public nuisance that undermine protecting children from harm (it is very close to St Mary's Primary school), public safety and prevention of crime and disorder.

The location of the bar is facing directly outwards towards residents housing (Apartments) and is situated in any area of the garden where noise from crowds of customers gathered at the proposed bar will directed to the rear of my property. I have a garden which has limited use due to noise and I have 2 out of 3 bedroom (one of which my child sleeps) at the rear of my property.

On many occasions the noise has been so loud my son, who is 5 years old, has been unable to sleep and risks impacting his school education. On Sunday 3<sup>rd</sup> June for example, customers were still in the garden shouting at 11.30pm. Saturday 2<sup>nd</sup> June – customers were still present at 2am in the morning, also May bank holiday weekend (5<sup>th</sup> - 7<sup>th</sup>) was intolerable. My child's health, wellbeing and education should not be sacrificed.

Local residents should not have to suffer this nuisance. Neither should users of Vivian Road, namely children and parents of St Mary's Primary school in terms of public safety. The seating capacity of the garden, also referenced in the attached, has gone from a capacity of 24 to 200 people. An outdoor bar would result in 200 people continuously contributing to the areas of public nuisance and harm pointed out above. The situation will become further out of control.

Attempts have been made to respectfully ask management to address issues and complaints made, however results have not improved.

I hope the Licensing Department recognise the level and severity of risk posed. The area is densely populated and hosts a primary school – appropriate levels of control should be in place to respect this. The pub already has the provision of two bars on its premises – this should be enough to service its customers – why does it require three?

Like other residents have done so, I will also be making a complaint to Environmental Health.

Kind Regards,

J Vivian Road  
Harborne  
B17 0DJ

---

Delegated Date:	20/11/2017	Application Number:	
Accepted:	09/08/2017	Application Type:	Full Planning
Target Date:	04/10/2017		
Ward:	Harborne		

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74 Vivian Road, New Inn, Harborne, Birmingham, B17 0DJ

**Erection of single storey extensions**

Applicant: Marstons Inns and Taverns  
c/o Agent  
Agent:

---

Recommendation  
**Refuse**

1. Proposal

- 1.1. The application is for a western side extension, a smaller eastern side extension and new front wall (Vivian Road) to the New Inn Public House in Harborne together with an increase in the patio area.
- 1.2. The proposed L shaped western extension would replace an existing glazed extension and would wrap around the lounge area. It would be flat roofed and measure 6.4m to the Vivian Road elevation x 15.1m deep and 7.6m at the rear and 3.4m high. The roof would have two glazed pyramidal lanterns of 2.5m x 2.5m x 1m high. The Vivian road elevation would have two timber framed sash windows. The remaining walls would be full height, full width, aluminium framed, bi-fold doors. The front wall (Vivian Road elevation) would be extended south-westwards to an existing garden structure to enclose the rear area. This proposed 2.5m high wall would be pierced by a 1.35m wide x 2.1m high three centred archway with a two course brick arch above and have a blue brick coping.
- 1.3. The smaller eastern extension would increase the capacity of the ladies toilets by 2 cubicles. This extension would be within an enclosed delivery yard area off Greenfield Road and would measure 1m x 4.1m x 4.5m to ridge (to match existing).
- 1.4. The extension to the patio area would be L shaped and extend between 7m and 9.2m to the rear of the existing patio area and be 13.5m wide.
- 1.5. The south-western extension and extended patio would occupy part of a disused bowling green to the rear of the building; the bowling group having left the site in 2013. The proposed development would reduce the area once used as a bowling green from the entirety of the rear area at 620m<sup>2</sup>, to 497m<sup>2</sup>, a 19.8% reduction, and reduce the maximum length playable from 32m, to 23m.

2. Site & Surroundings

- 2.1. The site lies within the northern extent of the Greenfield Road conservation area.
- 2.2. The surrounding area is largely residential with a mix of traditional terraced houses and more modern low rise flats, with the commercial local centre and high street close by to the west.

3. Planning History

- 3.1. 10/05/2013 - 2013/01487/PA - Extension of public house beer garden with erection of shelter and linking timber canopy to side, extension of club house to create small function room and loss of part of bowling green – Withdrawn

4. Consultation/PP Responses

- 4.1. Local Residents, Community / Residents Groups and Local Councillors were consulted. Press Notice and Site Notice. Cllr McKay objection – loss of bowling green. Eleven objections, including from the Harborne Society, on the following grounds;
- Loss of Bowling Green
  - Size of the extension, decreasing gap between pub buildings and adjoining house, Overdevelopment of site
  - Out of character for the Conservation Area.
  - Use of side gate for deliveries
  - No need for increased food and drink outlets given the variety of offerings already in Harborne
  - Noise. Area is predominantly residential, pub has already expanded its business significantly to the detriment of the residents. Has dramatically changed the character and footfall of the pub - was outdoor seating for 24 people now for over 200, hugely impacting on the noise, parking, and quality of life of local residents. No community consultation by the pub operators which shows a lack of concern towards other local properties and the residents and is a drive towards increased potential commercial opportunity and brewery profit.
  - Already parking problems, will lead to increase in parking and traffic
  - Impact on roadside tree.
- 4.2. Transportation Development – No objection
- 4.3. Regulatory Services – Objection – increased risk of noise from enlarged dining area due to full width opening doors.
- 4.4. Leisure Services – Objection – loss of bowling green, would seek £74,000 compensation for loss if approved.

5. Policy Context

5.1. National Policy

- National Planning Policy Framework
- Planning (Listed Buildings and Conservation Areas) Act 1990

#### Local Policy

- Birmingham Development Plan (BDP) 2017
- Birmingham Unitary Development Plan (UDP) 2005 (Saved Policies)
- Greenfield Road Conservation Area

#### 6. Planning Considerations

- 6.1. The main planning considerations would be the principle of development and impacts on the Conservation Area, loss of an historic bowling green, the impacts on residential amenity and the impacts on parking and highway safety.

##### Principle of development and impacts on the Conservation Area.

- 6.2. The Planning (Listed Buildings and Conservation) Act 1990 [The 1990 Act] includes the statutory instruments to guide the process of planning applications affecting listed buildings and conservation areas. Section 72, of the Act, states that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." These requirements have been carried into the Birmingham Development Plan through Policy TP12
- 6.3. The larger of the proposed extensions would be to the west side of the existing pub building and be subservient to the existing building; I note that the original building has been considerably extended over time most notably to the rear with an extensive kitchen wing. This proposed extension, while more modest, would have an impact on the Vivian Road frontage. Whilst the principle of the extension to the existing use / building can be considered sustainable development and supporting the growth of the business this benefit must be weighed against any adverse impacts (Para 14 NPPF). At the request of our Conservation Officer the proposed extension has been modified from one with a fully glazed frontage to one with a more sympathetic front elevation which would be in keeping with the front elevation of the main building, with a garden wall to the side which would mask the bulk of the extension from Vivian Road. I consider that this would reduce the impact of the proposal on the conservation area to an acceptable level. The smaller eastern extension would be within an enclosed yard area and would not impact on the wider area.

##### Loss of bowling green

- 6.4. The proposed larger western extension and enlarged patio area would be built over part of a bowling green previously used by a local club.
- 6.5. Policy TP11 of the BDP states that sports and physical activity facilities will be protected from development unless they can be demonstrated as surplus to requirements (in line with paragraph 74 of the NPPF). The NPPF in paragraph 28 seeks to retain local services such as sports venues and guard against the loss of such services (para 70). The existing area would have accommodated two rinks at the minimum width of 4.3m wide by between 31m and 40m, as set out by the World Bowls Association and was used for this purpose for a number of years.
- 6.6. The applicant has supplied a supporting statement on bowling provision in the city identifying 20 sites of which eight are to the south of the city including The Bell 600m

to the south west on Old Church Road. No further analysis has been provided to indicate any capacity for new members at any of these clubs or any justification for the loss of the bowling green, other than the desire to extend the food trade at the pub. I note the fact that the New Inn Bowling Club are advertising for members (on the Weoley Castle Working Men's Club website) however this does not evidence that an adequate supply of bowling greens exists, despite the loss of the space at the New Inn in 2013, and that this bowling green is therefore surplus. I note that my colleagues in Leisure Services would require compensation of £74,000 for the loss / re-provision of a bowling green and whilst the existing area is not full sized, if it were to be replaced elsewhere it would need to be replaced by a full sized green with a useable playing surface and ancillary facilities. The applicant states that such a sum would not be forthcoming as it would render the proposed extension unviable. This would appear to be regardless of any prospect of increased turnover which could over time address the sum required for the permanent loss of the use of the entire bowling green (by development on part), and/or be supported by the wider pub-chain business.

- 6.7. I note that the bowling green is currently in use as a beer garden and the once well-kept lawn is in need of attention. The current application seeks to extend the food trade of the business with supporting statements citing the low wet trade turnover making the current business unviable. The applicants cite the surrender of the lease by the previous tenant as evidence of this (although I consider this could have been surrendered for a number of reasons). The supporting statement goes on to state that Marston's are reviewing the future of the pub and if trade does not improve the potential for closure is being considered. Understanding that a refusal could jeopardise the viability of the business, and therefore the loss of a community/leisure facility, I am nevertheless satisfied that this risk does not offset or negate the requirements of our policy TP11 or Paragraph 74 of the NPPF.
- 6.8. I note a number of objections to the proposal on the grounds of the loss of the bowling green to development, showing a strong local opposition to its loss. Marston's state unequivocally that there is no intention to reinstate or reopen the area as a bowling green. Whilst the cooperation of the owner / licensee would be required to reinstate the bowling green, this does not negate the permanent loss of use of this asset due to construction. Whilst the green was not delineated by the classic arrangements of ditches and banks / hedging, the photographs taken by our planning officer for the earlier withdrawn application (2013/01487/PA), show protective edge boarding around the entire perimeter of the site. This clearly demonstrates that the entire rear area was once used by the bowling club as an active playing green.
- 6.9. The impact on the open space, from the proposed development, would be a 19.8% reduction in the playable area of the bowling green and the reduction in the playable length from 32m to 20m would render the area completely unusable as a bowling green. As no assessment of need has been provided and there are no proposals to re-supply the provision, or provide compensation, the loss of the bowling green would be contrary to Paragraph 74 of the NPPF and policy TP11 of the BDP.

Impact on residential amenity.

- 6.10. I note a number of objections on the grounds of noise and disturbance and I have some sympathy for local concerns. I note that while the intention is to increase trade, the area would be used as a restaurant rather than a bar area. The Public House is a well-established use in the area and whilst there will be some increase in patronage the emphasis on food trade rather than drinks trade would tend to reduce



the potential impacts from noise and disturbance. I note the concerns of our colleagues in Regulatory Services regarding the potential for increased noise levels. However, given the fact that these concerns could have been addressed through changes to the design of the proposed extension, by more traditional fixed glazing, were the principle of the development not in doubt; then I do not consider this to be a strong enough reason for refusal. These matters could be dealt with by a new application, or amendments or conditions if the scheme is appealed.

#### Impact on Parking and Highway Safety

- 6.11. I note concerns regarding the potential for an increase in parking problems in the area, together with comments of inconsiderate parking and dangerous driving. The area has a number of pay and display car parks within walking distance and a number of bus routes service the high street a short walk away together with unrestricted parking in surrounding streets. My colleagues in Transportation Development consider that there would be little change in demand for parking due to the proposals and whilst the inconsiderate parking and potentially dangerous driving is a concern it cannot be a determining factor in the current application.

#### 7. Conclusion

- 7.1. The proposed extensions to the building and patio area would, in the case of the western-most extension, be built on part of an historic bowling green thereby removing its utility and preventing its use. As no evidence has been provided to demonstrate that the bowling green is surplus due to an oversupply or lack of demand in the area or that any alternate / replacement provision is proposed, the proposal does not meet the requirements of the BDP or NPPF in the loss of sporting / leisure facilities. This loss and conflict with policy is not outweighed by the submissions put forward concerning trade and pub offer. I have no objection with respect to parking, local amenity and Conservation Area character.

#### 8. Recommendation

- 8.1. Refuse

#### Reason for Refusal

- 
- 1 The proposed development would result in the loss of a sports / leisure facility for which an assessment of need has not been submitted showing it to be surplus nor replacement provided (or an offer of compensation). As such the proposed development would be contrary to policy TP11 of the Birmingham Development Plan (2017) and paragraphs 28, 70 and 74 of the National Planning Policy Framework.
- 

Case Officer: John Richardson

## Appendix 4

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**From:**  
**Sent:** 11 June 2018 18:36  
**To:** Licensing  
**Subject:** Reference: 106441

Hi

I live at Vivian Road and I oppose the licensing application of the New Inn Pub on the following grounds:

1. Prevention of Crime and Disorder: There is already frequent disorder occurring at closing time and shouting and screaming can be heard and drunken cries. This happens a couple of times each month.

I would not like the new license to be granted since the above criteria would worsen and ruin the residential harmony of the area. It is already hard to get to sleep on many nights on the weekend.

Regards

Vivian Road  
B17 0DN

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**From:**  
**Sent:** 16 June 2018 07:25  
**To:** Pollution Team  
**Cc:** Licensing  
**Subject:** Re: Objection to Licensing Application #106441

Hi,

I'm writing a follow up complaint about the New Inn in Harborne. Last night at 1.24am I was woken up by people shouting in the beer garden and I looked out of the window and could see people still drinking inside. The noise finally settled down just after 2am. Please can you tell me what licence the pub has and what time they are supposed to close, and what strategy is being taken by the council to deal with this noise and distribution.

I am yet to receive a response from the pollution team, but I would appreciate some contact from the council as the problem is becoming a real annoyance.

Many thanks,

On 12 Jun 2018, at 13:06, -----> wrote:

Hi,

I sent the below email to the licensing team re: the New Inn pub in Harborne, and was told to forward it to you regarding the complaint about the current issues with noise - please see below.

Please can you tell me if you are aware of these issues, if anything is being done, and what the strategy is to reduce the noise pollution.

Many thanks,

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**From:**  
**Sent:** 12 June 2018 08:50  
**To:** [licensing@birmingham.gov.uk](mailto:licensing@birmingham.gov.uk)  
**Subject:** Objection to Licensing Application #106441

Hi,

I am emailing regarding Licensing Application #106441, which I understand is the application to change the internal layout of The New Inn Pub in Harborne.

Over the last few months there has been a significant increase in the amount of noise coming from the pub. This noise pollution is at its worse on Friday and Saturday nights, but it is not limited to the weekends, and it is often also noisy on weeknights too. There is noise of bottle bins being emptied after pub closing hours, and regularly groups shouting and screaming in the outside garden area. There have also been a few arguments between

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couples, who stand outside the pub and scream and shout at each other, either when the pub is still serving, or shortly after closing. On one occasion I have even called the police, as a group had seemed to congregate outside the pub presumably after closing, but hadn't been encouraged to leave, and continued to laugh, shout and scream into the early hours. It seems that the issues have increased since the management of the pub has changed, and there have been many nights when I have either been woken up or have not been able to sleep because of the noise. Previously customers were moved inside earlier in the evening, bottle bins were emptied during the day times, and there was absolutely no disruption from the pub (I have lived in the house for over 7 years and the last few months has been worse than all the previous years combined).

My concern is that the layout changes to the pub will undermine the Prevention of Public Nuisance Objective, and so I object to the application. I believe that bar server at the rear of the premises will significantly increase the noise levels in outdoor areas, and will increase the disruption.

I look forward to hearing your thoughts on this. Please can you also let me know if my complaint regarding the current issues need to be sent to any other department besides yourselves (e.g. Environmental Health and Licensing Enforcement).

Many thanks,

**Satiender Dhadwal**

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**From:**  
**Sent:** 13 June 2018 10:40  
**To:** Licensing  
**Subject:** Re: Reference The New Inn Harborne licence application 106441

To Whom It May Concern

I am writing to object to the above mentioned licence application on the grounds of Public Nuisance. Firstly the variation application is retrospective as the bar servery is already in operation. Secondly it has had a significant impact on noise in the garden, particularly late at night. (This is in addition to other nuisances such as the garden floodlights being left on all night during the winter months particularly.) The new servery is directly beneath my bedroom window. Under previous management customers were moved inside after 22.00 which I assume was a condition of the licence issued to the previous operators before the pub was sold on. The new owners are not observing this protocol. This happens at other establishments in Harborne where the premises is close to residential properties and works as an acceptable compromise. I would urge the licencing authority to attach conditions to the business that the window is not operated after 21.00 and that the garden should be cleared of customers by 22.00 as it was previously.

Greenfield Road  
Harborne.

## **Appendix 7**

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**From:**  
**Sent:** 13 June 2018 21:28  
**To:** Licensing  
**Subject:** RE: New Inn Pub Licensing application

I should like to record my objection to the proposed plan to allow the sale of drinks from the garden of the New Inn pub on the grounds that it will create a public nuisance. The additional bar space will increase the number of customers particularly in the garden which is already extremely noisy and unpleasant for neighbours. This noise is particularly unacceptable at night when it is clearly audible with the windows closed. I am frequently woken by noise into the early hours, and it is impossible to have open windows.

The New Inn pub is situated in a dense residential area surrounded by homes. It has undergone significant changes in the last 5 – 6 years to the detriment of the neighbourhood. It has changed from a small pub with outdoor seating for ~20 and a bowling green to a pub with no bowling green and outdoor seating for 2-300 people. This has made it extremely noisy whenever the weather is good, both in the garden and as people leave the pub at closing time. It has already expanded beyond what is reasonable for the neighbourhood. The addition of an outdoor bar will compound this noise nuisance.

The pub does not currently have a formal requirement to close the outdoor space by 10 pm and so the noise does not abate at night.

Vivian Road

## Appendix 8

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**From:** >  
**Sent:** 18 June 2018 19:27  
**To:** Licensing  
**Subject:** Concerns regarding licensing application 106441

Dear Sir/Madame,

We've been passed details of the application number 106441 for changes to the New Inn public house in Harborne and like many local residences we're concerned about recent changes but also further concerned that this application if approved may worsen the situation more.

I know in the past that the New Inn used to have a curfew for the garden at the rear in the evening, asking patrons to kindly move into the pub in the later evening to avoid disturbing local residents. We have noticed recently that this policy seems to no longer be in place and subsequently there has been a significant increase in noise late at night. We had drunk people waiting for taxi around the block shouting and scream around mid-night.

As a resident of the Harborne Central complex opposite the New Inn and in particular the garden I'm concerned that with no curfew in place and the addition of an outdoor service there will only be increased noise and disturbance to local residence.

In addition to this we have noticed that they have erected a large outdoor LED screen for the world cup football. While we all enjoy the game having a large crowd in the beer garden making lots of noise isn't helping the current concerns. I would imagine that this kind of thing would require some kind of considered notification to local residence that will be affected, is this not the case? Sadly there seems to be little regard paid to local residence under the new management.

We've noticed also more late night drunken behavior and would suggest that perhaps in addition to a curfew on the garden some kind of signage to please respect local residents needs to be put in place. We've had more incidences of drunken people waiting for taxis around the gates to our residence shouting and screaming around midnight. Whilst we understand the behavior of patrons is difficult to control when they've left the premises, we feel some responsibility must fall on the license holder.

We'd like very much for our concerns to the planned changes to be taken into consideration when reviewing the license changes to the New Inn Harborne.

Kind regards,

Residence @

Greenfield Rd  
Harborne  
B17 0ES

106441

## Application to vary a premises licence under the Licensing Act 2003

Reps end 18/6/18

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

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

## Premises Licence Number

2413/5

## Part 1 – Premises details

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

New Inn, 74 Vivian Road, Harborne

Post town  
BirminghamPost code  
B17 0DJ

Telephone number of premises (if any)

Non-domestic rateable value of premises

## Part 2 – Applicant Details

Daytime contact telephone number

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

Post Town

Postcode

BCC	
REGULATION & ENFORCEMENT	
LICENSING SECTION	
DATE RECEIVED	
21 MAY 2018	
REF NO	£315
INITIALS	031526



### Part 3 – Variation

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

Please tick ✓ yes

☒

If not do you want the variation to take effect from

Day Month Year

--	--	--	--	--	--	--	--

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

N/A

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

yes ☐ no ☒

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

The New Inn is to have the benefit of a refurbishment. The majority of the works will be cosmetic in relation to redecoration and reupholstery however two items of work are to be undertaken which will impact upon the licensed area.

Those changes are identified on drawing P0518/6934/0.1 which is attached and as follows:-

1. To the left of the premises a reduction in the licensed area so as to form new wash up facility adjacent to the bar servery. In connection with this there will be some minor cosmetic works to the bar servery layout itself.
2. To the rear of the property and facing into the garden area, formation of garden servery point. The existing store is to be remodelled so as to create a garden service point for retail sale of alcohol which will be consumed by way of off sales within the garden itself.

The garden servery point will be secured by way of shutters when not used. The storage area has high levels of security having been used for the storage of food and stock historically.

A review of the conditions endorsed upon the Licence has been undertaken and it is proposed that no amendment is required to promote the four licensing objectives.

In that there is no change to the hours proposed by the application or conditions, boxes A – H, late night refreshment and sale by retail of alcohol have not been completed.

#### Part 4 Operating Schedule

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

Please tick ✓ yes

**Provision of regulated entertainment (Please see guidance note 3)**

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

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

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

**In all cases complete boxes K, L and M**

# A

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

# B

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

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 8)			<b>Please give further details</b> (please read guidance note 5)
Day	Start	Finish	
Mon	As existing	As existing	
Tue	As existing	As existing	<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 6)
Wed	As existing	As existing	
Thur	As existing	As existing	<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 7)
Fri	As existing	As existing	
Sat	As existing	As existing	
Sun	As existing	As existing	

**D**

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

**E**

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

**F**

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

# G

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

# H

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

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

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b><u>Will the supply of alcohol be for consumption</u></b> <b><u>(Please tick box Y)</u></b> (please read guidance note 9)		On the premises Off the premises Both		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
Day	Start	Finish	<b><u>State any seasonal variations for the supply of alcohol</u></b> (please read guidance note 6)				
Mon	10:00	00:00					
Tue	10:00	00:00					
Wed	10:00	00:00					
Thur	10:00	00:00					
Fri	10:00	01:00					
Sat	10:00	01:00					
Sun	10:00	00:00	<b><u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)				
			No change to non standard timings				

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

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b>State any seasonal variation</b> (please read guidance note 6)
Day	Start	Finish	
Mon	10:00	00:30	<b>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7)
Tue	10:00	00:30	
Wed	10:00	00:30	
Thur	10:00	00:30	
Fri	10:00	01:30	
Sat	10:00	01:30	
Sun	10:00	00:30	

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

Please tick ✓ yes

I have enclosed the premises licence

☐

I have enclosed the relevant part of the premises licence

☐

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

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

The original Premises Licence is already with the Council following on from a change of Designated Premises Supervisor application



## M

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

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

The refurbishment is to enhance the internal area and improve the hygiene of the premises by way of separate wash up facility.

The provision of the external counter will ease congestion within the interior of the premises in periods of time when the garden is heavily used. The beer garden has been in existence for a considerable period of time and used by members of the public. The presence of the garden counter will provide more direct supervision for the external area.

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

### **b) The prevention of crime and disorder**

No further risks have been identified which need to be addressed

### **c) Public safety**

No further risks have been identified which need to be addressed

### **d) The prevention of public nuisance**

No further risks have been identified which need to be addressed

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

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

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

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

**Part 5 – Signatures** (please read guidance note 12)

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

Signature: John Gaunt & Partners ...

Date: 18<sup>th</sup> May 2018

Capacity: Solicitors.....

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

Signature: John Gaunt & Partners .....

Date: .....

Capacity: Solicitors.....

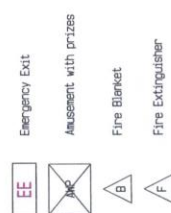
<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 15)	
John Gaunt & Partners Omega Court 372 Cemetery Road	
<b>Post town</b> Sheffield	<b>Post code</b> S11 8FT
<b>Telephone number (if any)</b>	
<b>If you would prefer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

**Notes for Guidance**

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

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
  - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  11. Please list here steps you will take to promote all four licensing objectives together.
  12. The application form must be signed.
  13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
  15. This is the address which we shall use to correspond with you about this application.



Total Floor Area:	Trading Area:	Covers:		<p>THE NEW INN 74, VIOLET ROAD BIRMINGHAM B1 7 0DJ</p>	<p>Proposed Ground Floor Plan</p>	<p>Dwg No. P0518 / 6934 / 0.1</p>	<p>Scale: 1:100 @ A3</p>	<p>Drawn: AW</p>	<p>1. I confirm that this plan has been prepared in accordance with the Building Regulations and the relevant Building Regulations Approved Documents. 2. I confirm that this plan has been prepared in accordance with the Building Regulations and the relevant Building Regulations Approved Documents. 3. I confirm that this plan has been prepared in accordance with the Building Regulations and the relevant Building Regulations Approved Documents. 4. I confirm that this plan has been prepared in accordance with the Building Regulations and the relevant Building Regulations Approved Documents. 5. I confirm that this plan has been prepared in accordance with the Building Regulations and the relevant Building Regulations Approved Documents. 6. I confirm that this plan has been prepared in accordance with the Building Regulations and the relevant Building Regulations Approved Documents. 7. I confirm that this plan has been prepared in accordance with the Building Regulations and the relevant Building Regulations Approved Documents. 8. I confirm that this plan has been prepared in accordance with the Building Regulations and the relevant Building Regulations Approved Documents. 9. I confirm that this plan has been prepared in accordance with the Building Regulations and the relevant Building Regulations Approved Documents. 10. I confirm that this plan has been prepared in accordance with the Building Regulations and the relevant Building Regulations Approved Documents.</p>

## BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

2413 / 5

**Part 1 - Premises details:****Postal address of premises, or if none, ordnance survey map reference or description**New Inn  
74 Vivian Road**Post town:**

Birmingham

**Post Code:**

B17 0DJ

**Telephone Number:****Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

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

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

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

Christmas Day – 11:00 to 23:00

New Year's Eve – 10:00 to 01:00 New

Year's Day

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

**BIRMINGHAM CITY COUNCIL**

**The opening hours of the premises**

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

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

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

On and Off Supplies

**BIRMINGHAM CITY COUNCIL**

**Part 2**

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Marstons PLC	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	
<b>Email</b> N/A	

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

<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<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> 10275/1	<b>Issuing Authority</b> BIRMINGHAM CITY COUNCIL

Dated 22/09/2017

*S.A. Yasser.*

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



## **BIRMINGHAM CITY COUNCIL**

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

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

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

## **BIRMINGHAM CITY COUNCIL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**BIRMINGHAM CITY COUNCIL**

**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

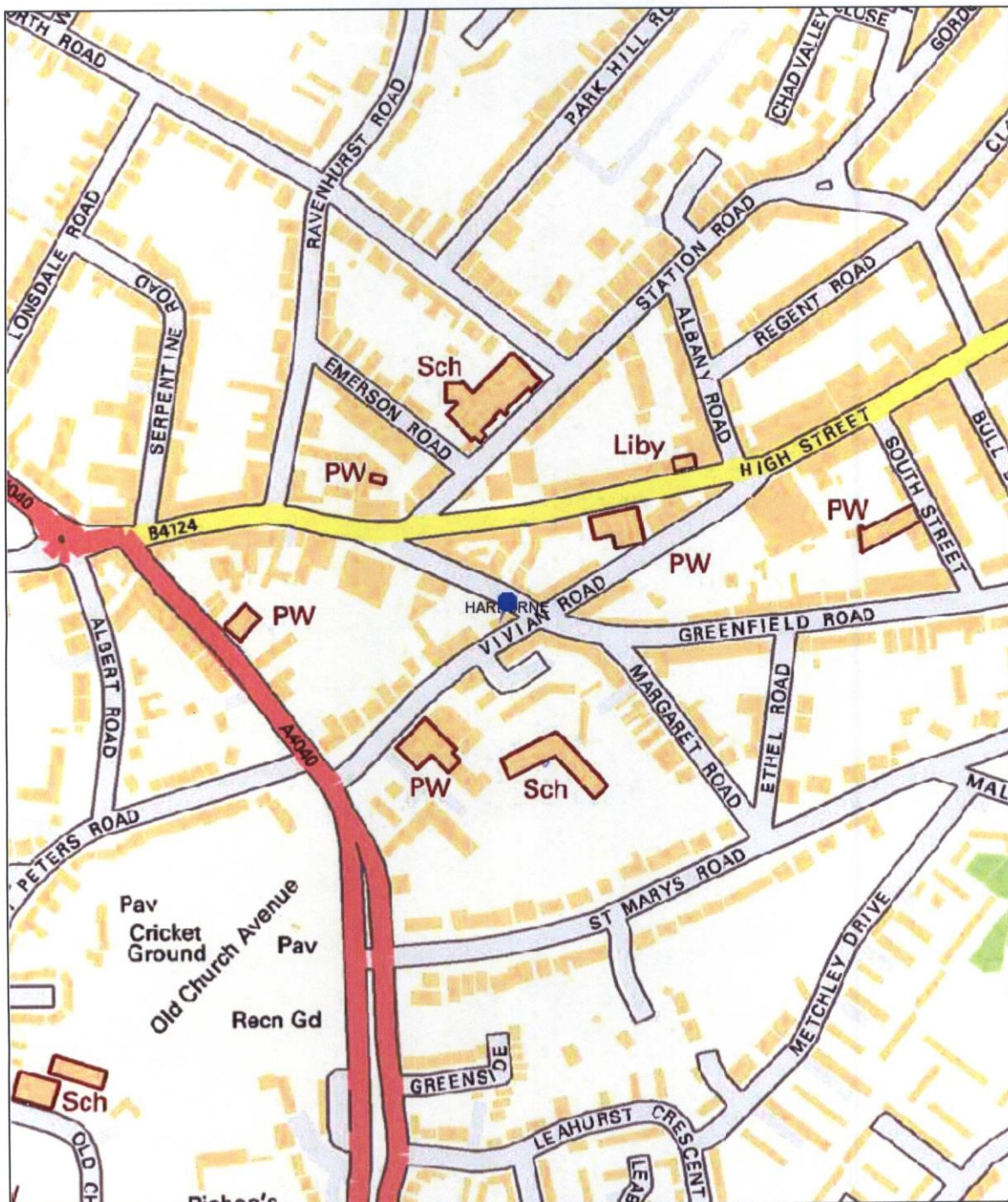
**3e) Committee conditions to promote the protection of children from harm**

N/A

## **BIRMINGHAM CITY COUNCIL**

### **Annex 4 – Plans**

The plan of the premises with reference number **6934/001** 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.



**Birmingham City Council**

Map Created By:

Date of Map Creation: 22/06/2018

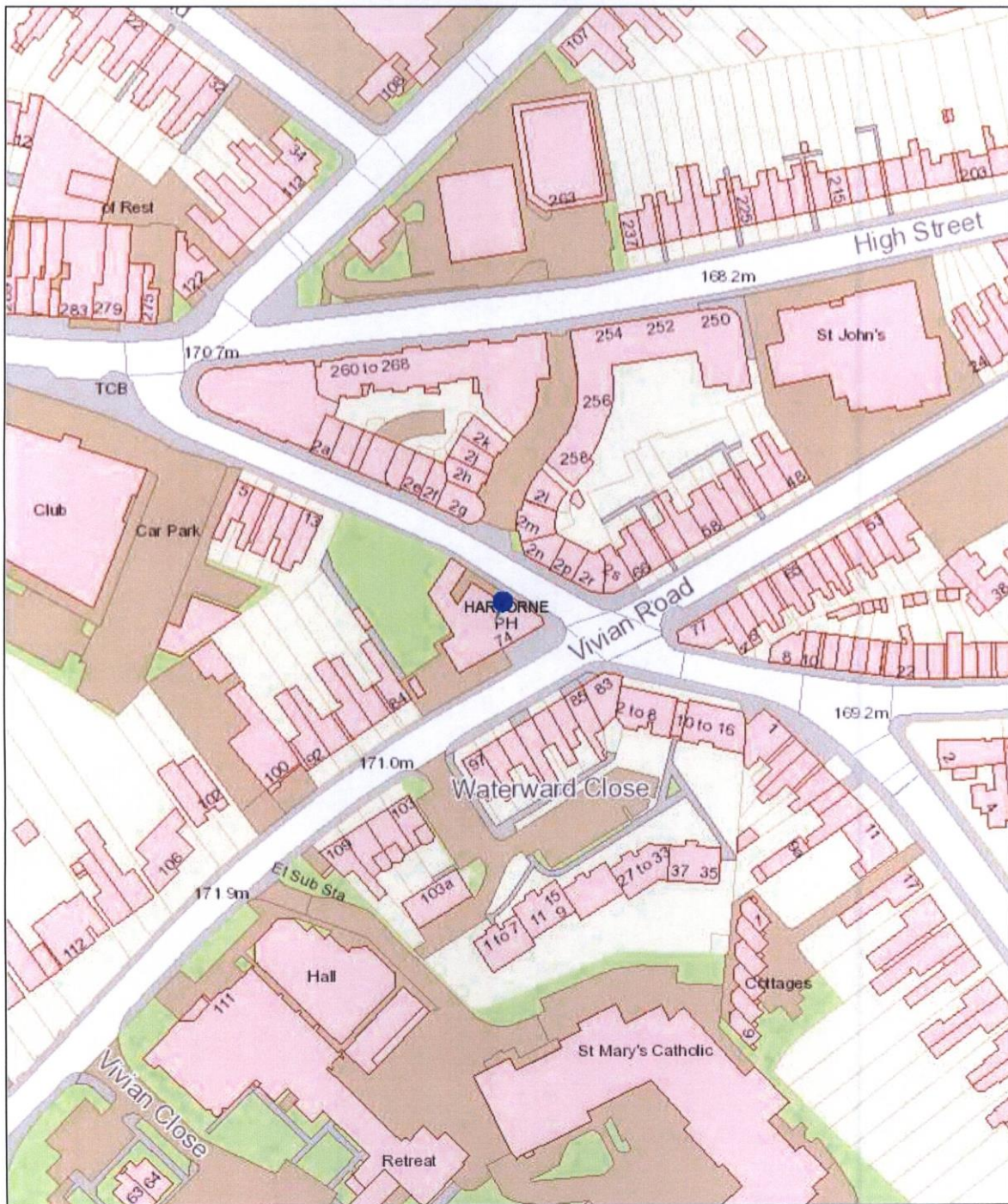
Notes

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