

**Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting**

**BIRMINGHAM CITY COUNCIL**

**LICENSING SUB-COMMITTEE B**

**TUESDAY, 08 AUGUST 2017 AT 10:00 HOURS**  
**IN COMMITTEE ROOM 1, 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     APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

**3     MINUTES**

**3 - 20**

To note the public part of the Minutes of the meeting held on 20 June 2017.  
To confirm and sign the Minutes of the meeting held on 27 June 2017.

**4     LICENSING ACT 2003 PREMISES LICENCE – GRANT SOIREE**  
**LOUNGE, UNIT 2, 5 -11 FLEET STREET, BIRMINGHAM, B3 1JP**

**21 - 96**

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

**5     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.

**6     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:-

Minutes - Exempt Paragraphs 3 and 4

## **PRIVATE AGENDA**

### **1 MINUTES**

To note the private part of the Minutes of the meeting held on 20 June 2017 and to confirm the Minutes as a whole.

### **2 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847, PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENSES**

Report of the Director of Regulation and Enforcement.

(Paragraphs 1 & 7)

### **3 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 B 20 JUNE 2017</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB-COMMITTEE B HELD  
ON TUESDAY 20 JUNE 2017  
AT 1000 HOURS IN COMMITTEE ROOM 1,  
COUNCIL HOUSE, BIRMINGHAM**

**PRESENT:** - Councillor Lynda Clinton in the Chair;

Councillors Nawaz Ali and Des Flood.

**ALSO PRESENT:**

Chris Arundel – Licensing Section  
Joanne Swampillai – Legal Services  
Gwin Pountney – Committee Services  
Katy Poole – Committee Services

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**NOTICE OF RECORDING**

01/200617 The Chairman advised the meeting that members of the press/public may record and take photographs except where there are confidential or exempt items.

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

02/200617 No apologies were submitted.

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**OTHER URGENT BUSINESS**

06/200617 No items of other urgent business were submitted.

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**EXCLUSION OF THE PUBLIC**

07/200617 **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:-

(Paragraph 1)

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# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB COMMITTEE B - TUESDAY 27 JUNE 2017</b>
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**MINUTES OF A MEETING OF  
LICENSING SUB COMMITTEE B  
HELD ON TUESDAY 27 JUNE 2017  
AT 1000 HOURS IN COMMITTEE  
ROOM 1, COUNCIL HOUSE,  
BIRMINGHAM**

**PRESENT:** - Councillor Lynda Clinton in the Chair

Councillors Nawaz Ali and Des Flood

**ALSO PRESENT**

Shaid Yasser, Licensing Section  
Joanne Swampillai, Committee Lawyer  
Gwin Pountney, Committee Manager  
Katy Poole, Committee Manager

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**NOTICE OF RECORDING**

01/270617      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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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

02/270617      There were no nominee members.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT LONDON  
INTERNATIONAL SUPERMARKET, 235-237 LOZELLS ROAD, BIRMINGHAM,  
B19 1RJ**

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:**

Shukriya Zardary - Applicant

Patrick Burke – Licensing Agent representing the applicant

**Making Representations in respect of the application**

PC Abdul Rohomon – West Midlands Police

Mahir Akgul – Local Business Owner

Heath Thomas – Solicitor (Representing Mr Akgul)

Aisha (Interpreter for Mr Akgul)

Following introductions by the Chairman, the main points of the report were outlined by Shaïd Yasser, Licensing Section.

Mr Burke, in presenting the case on behalf of the applicant and in response to questions from Members, made the following points:-

1. That the applicant had leased the premises since 2014 and had run the business as a grocery and general goods store between 2014 – 2015.
2. In 2016 she had been approached by a neighbouring business owner, who had advised her that he wanted to purchase the premises – he had then submitted an application for a premise licence to sell alcohol - which had not granted and had therefore withdrawn his offer.
3. Therefore, the applicant had made the decision to apply for a licence herself.
4. That the applicant objected strongly to any allegations that she had any other connections to the owner of 117 Villa Road other than talking to him about the sale of her premises.
5. Explained that although the objectors had stated the applicant had not contacted the police prior to submitting her application, this was not a legal requirement.
6. The applicant had been operating a business since 2014; she had a good knowledge of the area, had managed the premises without any issues and had not purposely avoided the police.
7. With regards to the objections regarding alcohol related crime in the area, this could not be attributed to this business as it was not yet opened. Furthermore *Thwaites v Wirral 2008* stated that with regard to the promotion of the licensing objectives evidence should not be speculative – she could not be judged on the crime and disorder occurring at/outside other premises.
8. Mr Burke also presented some additional conditions during the meeting :-

(See Document No. 2)

Ms Zardary in response to questions from Members, made the following points:-

1. That she had not experienced any crime related incidents whilst operating her business.
2. That although she had no experience in alcohol sales, she would try her best.
3. That she had decided to open an off-licence in addition to selling household goods after suggestions from her family that it would be popular in the area and be very profitable.
4. In response to a question regarding how the applicant would meet the 4 licensing objectives, Ms Zardary stated that although she knew a lot of things about this subject and had a personal licence, she felt confused and could not think of anything straightaway.
5. That she understood however, that if anything went wrong in the shop, she would be in 'big trouble' and that the shop would be closed down.
6. Ms Zardary told Members that with regard to alcohol sales 'she had never done this before' and it would be a new business venture for her.
7. That after the sale of the business had fallen through, although she had no experience in alcohol sales, she had decided to try to get a licence and run the business as an off- licence.
8. That the neighbour who had offered to buy the premises was 'Mansur'
9. That she had a personal licence, and had completed all the training for this.
10. That she would have CCTV installed on the premises.
11. That she was feeling panicking and was expecting a baby.
12. That she was currently working in a dental hospital, prior to this she had been running a shop until it had closed in 2016.

PC Abdul Rohomon, presenting the case on behalf of West Midlands Police and in response to questions from Members, made the following points:

1. That he had strong concerns about this application given that the applicant was applying for a licence with very limited experience and in an area that was a hotspot for alcohol related crime, as well as anti-social behaviour.
2. He drew attention to the shop sign photos available in the bundle which stated that the shop had sold shisha, bongs, and shisha pens despite the applicant's evidence that she had only sold everyday items.
3. That there were links between this premises and another premises referred to as 117, known to the police for selling illicit tobacco and alcohol.

4. Made clear to Members that the neighbour who had offered to purchase Ms Zardary's premises was actually the former premises licence holder for premises 117, who had had his own licence application for these premises refused and had then pulled out of purchasing the premises.
5. That he wanted clarity regarding the relationship between the applicant and the former premises licence holder for 117.
6. That there was confusion around the CCTV recording times and days in the Ms Zardary's premises licence application.
7. That the applicant has not demonstrated in any way that she was a responsible person to hold a licence. There was no reflection in the application or in what had been submitted in evidence at the meeting that suggested the applicant had any knowledge of regard for the licensing objectives.
8. That looking at the new proposed conditions which had been submitted at the meeting, he recognised the wording of these and suggested they had been copied out of a book.
9. Suggested that the language in the new conditions such as "should" ought not to be included, as it is left conditions open ended.
10. That there was an issue with alcohol related crime and anti-social behaviour within the area.
11. There was no history to these premises as it had been managed by various owners selling various different products.
12. That there was a hostel for the homeless above the premises.
13. Prior to 2014 the premises had sold Shisha, but not alcohol.
14. That the nearest premises to Ms Zardary's selling alcohol were next door.
15. That there had been an incident outside the shops along this road involving a gang of Somali youths who had been drinking and were causing anti-social behaviour resulting in the police being called to the scene.
16. Stated that the applicant has not met with the police and discussed the proposed application.
17. Stated that the police would not be attempting to get a Public Space Protection Order (PSPO) in the area if alcohol related problems were not such a big issue in the area.
18. The applicant did not seem strong or strong minded enough to deal with the alcohol related problems, or with people trying to buy alcohol who shouldn't be.



19. That despite obtaining her personal licence the applicant could not quote the four licensing objectives.
20. That the police had concerns that the applicant was associated with the owner of 117 Villa Road who had had his premises reviewed on more than one occasion and had had his licence revoked after he had been found selling illicit tobacco and alcohol.
21. The area seems to be attracting homeless people who drink a lot; these groups are then causing anti-social behaviour. In addition, they are also littering in the street.
22. The police statistics provided in evidenced showed the area as one of the 'hot grids' within the city for alcohol related issues. The area was attracting communities that drank a lot of alcohol on the streets from cans.

Mr Heath Thomas, presenting the case on behalf of Mr Mahir Akgul and in response to questions from Members, made the following points:-

1. That he supported much of the comments from West Midlands Police.
2. That this was 'the cash cow that keeps on giving' for Mr Burke as this was the third application for these premises within in the last few months that he had represented.
3. Mr Akgul had no objections to another trader operating a business next door to his premises provided that it was run as a legitimate business. The individual and operator at 117 Road however, had sold illicit tobacco and alcohol which had been problem for Mr Thomas's client, as it had affected their business - and Ms Zardary was associated with this owner

Meeting adjourned at 1100hrs as Members wished to confirm with the Solicitor that the case being presented by Heath Thomas needed to be evidence based and needed to directly relate to this application.

At 1102 hours, after an adjournment, all parties were recalled to the meeting and continued.

The Chair stressed to all parties that the cases being presented today, should be based on evidence only and not hearsay.

Mr Heath Thomas continued:-

4. There was indeed a link between 117 Villa Road and this applicant – there had been an application in September 2017 for these premises by the owner of 117 Villa Road which had been withdrawn due to the mounting evidence stacking up against that applicant.
5. Ms Zardary was now a new applicant seeking a premises licence for this address as yet another front person.

6. Mr Akhgul however, was trying to engage in legitimate activity and was concerned about the links between the 117 owner and the applicant as to the illicit sale of tobacco and alcohol.
7. Referring to papers submitted by the applicant as part of her application.

(See Document No. 3)

Mr Thomas stated that the information submitted was relevant to the licensing objectives.

8. He pointed out that the documents showed someone setting up this business, which would cost a lot of money - and had a bank account which had no money in it.
9. That in terms of the crime and disorder, these premises had been burgled on 2 occasions and this had not been reported to the police.
10. Mr Akhgul had also stated that Ms Zardary's shop contained contents belong to the owner of the 117 premises. Mr Akhgul had seen these items being brought in.

Ms Zardary, in response to questions from Members, made the following points:-

1. That the premises had not been burgled to her knowledge.
2. That she had not been to the premise since September 2016, therefore, she could not be certain it had not been burgled however; no one had reported anything to her or the police.
3. That she had the keys to the premises but had given a set to the prospective purchaser.
4. That the owner of premises 177 did keep goods on her premises but had intended to move them.
5. The alcohol on the premises, which was owned by the 117 premises owner, was not insured - but was only there because the owner had not had an opportunity to move it.

In summing up Mr Thomas explained that his client only had concerns over the sale of illicit tobacco and alcohol, and not in regard to legitimate competition.

In summing up PC Rohomon expressed the West Midlands Police were maintaining their objections and asked the sub-committee not to grant this licence due to the evidence they had submitted, the related issues with 117 and due to the applicants lack of knowledge demonstrated at the meeting.

In summing up the applicant expressed that she did have experience of selling age restricted products.

At 1155 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1305 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

03/270617

**RESOLVED:-**

That the application by Shukriya Zardary for a premises licence in respect of **London International Supermarket, 235-237 Lozells Road, Birmingham B19 1RJ BE REFUSED.**

In reaching this decision, the Sub-Committee was mindful of the promotion of the Licensing Objectives in the Act, particularly the prevention of crime and disorder.

The Sub-Committee's reasons for refusing this application for a premises licence followed the submissions made by, and on behalf of, the applicant.

The Sub Committee carefully considered the operating schedule put forward by the applicant, and the likely impact of the application, but were not persuaded that that the applicant was sufficiently experienced to take on responsibility for alcohol licensed premises or to properly promote the licensing objectives.

The applicant accepted that she was inexperienced, but was keen to assure the Sub-Committee that she intended to do her best. However, when Members asked her about her proposals for the operation of the premises, the answers given did not persuade them that either the applicant or her style of management were capable of promoting the licensing objectives. When Members asked her about her business plan for the premises and the motivation behind including alcohol sales as part of her business, for example, the vague answers they received did not reassure them.

Members heard that she had had experience of running a convenience store in recent years, and had been accustomed to handling the sale of age-restricted products at that shop; however the Sub-Committee considered that taking on the responsibility for alcohol sales at an off-licence premises was altogether more onerous, and required considerably more experience than that shown by the applicant.

The Sub-Committee gave consideration to whether any measures could be taken to ensure that the four licensing objectives were adequately promoted and that therefore the licence could be granted. In particular they considered the new proposed Conditions submitted by the applicant's representative during the hearing. These included a significant shortening of the hours for off-sales. However the Sub-Committee considered that these new Conditions did not address the real issue, which was the lack of experience of the applicant.

The Sub-Committee then heard representations from West Midlands Police about

general crime and disorder in the area, but as the shop was currently closed, this could not be attributed in this instance to these premises, and Members did not consider that any particular weight should be attached to this.

Background information was given about the local area, and Members noted that a 10-bed homeless hostel was in the near vicinity – in fact the front door to the homeless hostel was next to the London International Supermarket. Given the lack of experience of the applicant, the Sub-Committee could not feel confident that she would be capable of promoting the licensing objectives in this situation.

The Sub-Committee also heard representations on behalf of another person (a local business owner). The Sub-Committee found these submissions, made via a legal representative, to be unpersuasive from start to finish. The legal representative adopted a misguided approach from the outset by advancing a speculative opinion, insistently and repeatedly, that the applicant was linked to some third party who had mismanaged other premises elsewhere - yet was unable to provide proper evidence to support his accusations.

The applicant and her representative had already explained that there was no link, and in addition West Midlands Police had already addressed the Sub-Committee and not evidenced any link. However despite this the legal representative continued with this speculative and improper theme, in a hectoring manner that was both unfair to the applicant and her adviser, and entirely unhelpful to the Sub-Committee's decision-making process.

The legal representative also made representations regarding the business documents which the applicant had submitted, and made untoward remarks about the financial details given in the documents. These representations again were irrelevant, and also displayed a lack of fairness; the financial circumstances of a business are not part of the decision-making considerations of the Sub-Committee. The Sub-Committee saw nothing in the business documents which was of relevance to the licensing objectives.

Extraordinarily, the legal representative even saw fit to make unwarranted comments about the applicant's representative and the remuneration he was receiving for his work. He then chose to repeat these comments later, despite the improper remarks having caused consternation among the committee lawyer and the Chair of the Sub-Committee earlier in the hearing.

There was something of a flavour that the lack of proper evidence, and/or genuine grounds on which to object, had induced the legal representative to act in a manner which was perhaps ill thought out.

All in all, the legal representative's submissions were overwhelmingly speculative in content. In particular the Sub-Committee looked askance at the legal representative's own declaration, during his summing up, that he had 'not presented hard evidence' – yet he had addressed the hearing at length and had levelled accusations against the applicant and her representative. Given this startling admission, the Sub-Committee felt it wise to disregard the legal adviser's representations in their entirety; none of his submissions had assisted Members with their decision-making in any way, due to the fact that they were not only wholly irrelevant, but also unfair.

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

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

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**THE OLD MONASTERY, 173-174 DIGBETH HIGH STREET, DERITEND,  
BIRMINGHAM, B12 0LD.**

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

(See Document No. 4)

The following persons attended the meeting.

**On behalf of the applicant:**

Hitesh Chauhan (Billy Chauhan) - Applicant  
Carl Moore – Licensing Agent: CNA Risk Management  
Leo Charalambides – Barrister representing the applicant

**Making Representations in respect of the application**

PC Ben Reader – West Midlands Police  
Paul Samms – Environmental Health

Following introductions by the Chairman, the main points of the report were outlined by Shaid Yasser, Licensing Section.

Mr Charalambides in presenting the case on behalf of the applicant and Mr Chauhan in response to questions from Members, made the following points:-

1. That the applicant had previously been granted a licence to use the first floor of the premises for licensable activity. He had purchased the site, a listed building and had done some work and was looking to complete it.
2. Mr Chauhan had meetings planned with the conservation officer on 25 July and was also meeting with One Nation Media looking at programming outdoor events throughout the days in the external areas of the premises.

3. However, Mr Chauhan could not invest further without knowing whether or not he would get a licence for the use of the whole of the premises and would be prepared for the licence to be subject to conditions stating 'cannot....until'.
4. It was accepted that the premises was in a Cumulative Impact Area (CIA) and that paragraph 14.9 of the Cumulative Impact Policy that new licences should not be granted in a CIA unless there were exceptional reasons for doing so.
5. Some of the supporting evidence for this from the applicant was the fact that all the events held on the first floor since the grant of the licence and the 10 Temporary Event Notices (TENS) had all taken place without incidence.
6. In addition to this there was a Grand Design being carried out by these premises in consultation with a number of departments and agencies.
7. The concerns Mr Samms from Birmingham Environmental Health had put forward regarding the use of the outside areas had been noted and both parties had agreed that there would be no licensable activity in the outside licensed premises after 2300 hours and before 1000 hours.
8. A number of processes would have to be met before the premises could open and it was recognised by the applicant that a lot of work would have to be done/undone to comply with both insurance and conservation purposes.
9. An example of this was the windows which needed to be insulated and put back in the correct way with the fronts being glazed to a conservation specification, with the inside panels being in-filled for noise insulation - the intention was to get this work done in the first instance.
10. It was proposed that a condition was included in the application that referenced that the windows would be rectified and also meet the conditions to make them safe.
11. A Fire Risk Assessment would be undertaken as part of the process to obtain permission for extra doors and an extra stairway.
12. That the suggestions made by Mr Samms regarding the Noise Management Plan, Smoking Area Plan, and Yard Management Plan, (email of 26.6.17 and in discussions prior to the meeting) would be agreed.  
  
(See attached Document No.5)
13. That the condition put forward by Mr Samms requesting that all events be disclosed to West Midlands Police and BCC Environmental Health would be agreed.
14. That a new condition be considered – that all policies be reviewed every 4 months and that each policy be marked accordingly.
15. That the capacity for the 1<sup>st</sup> floor of the premises was 195 persons which was in full compliance with the Fire Safety Officer. If planning permission were to be

granted the total capacity for the building would be 348 – however the extra rooms would not be used until certification from the Fire service had been received.

16. That this venue should be considered as something other than adding to the cumulative impact policy within the area as this was an exceptional project within an exceptional area – sufficiently exceptional to not apply the policy to – this would be an opportunity to contribute to something bigger in Birmingham.
17. Furthermore, the 1<sup>st</sup> floor was already in operation without any problems and there had been no problems with any of the TENs events that had taken place.
18. There would need to be a multi-agency approach to the venue encompassing planning, building control, the police and the environmental health service hurdles before the venue could open – this would not just be a nightclub – it would be a regeneration of the building with an arts based area in the rear garden.
19. The long-term plan was to restore the building to its former glory, for the premises to be a part of the community, to help build up local SMEs and to contribute to a cultural effect of its own – similar to the Hippodrome in Leicester.
20. Areas of anti-social behaviour within the premises would be addressed via risk management plans.
21. The football season would not impact on the premises given its location.
22. The Fire Assembly point would be a boxed off area based in the Car Park on the High Street – this had been agreed to by the Fire Service.
23. That the premises would not be fully open until all the conditions set by all the responsible authorities were met.
24. There had been up to 395 people at each of the TENs events.

PC Reader in presenting the case on behalf of West Midlands Police and in response to questions from Members, made the following points:-

1. That this was an organic application which was constantly evolving and which now included food-led activities outside. With the changes agreed with Birmingham Environmental Health it was nearer to the agreed position acceptable to the police, but there was still a gap. (The initial application had called for reduced conditions and longer hours).
2. Referred Members to his email of 22 and 27 June 2017.  
  
(See attached Document No.6)
3. In looking at the current licence for the premises and the proposed variations he had felt that there would be significant changes to the way the premises operated resulting in a significant increase in capacity (8 times over the premises' current capacity) and operational hours within a special policy area.

4. The operation of a successful number of TENs was difficult to quantify as there was insufficient feedback from officers conducting walkthroughs and looking at customer numbers and operation of the premises at these events.
5. Stated that he had visited the premises in the early hours of 25 June when a TEN event had been taking place and had noticed:
  - Of the 3 door staff, 1 had no high-viz clothing, another had no high-viz, no radio and no profile kept on the premises.
  - 1 member of door staff had no radio
  - There were only 30 people present.

Therefore he could not comment on how well the premises would operate in a busy environment. However, he stressed that what he had seen was not a professional venue or a professional operation.

6. That the hours requested were too generous to the premises and would lead to a massive increase in licensable activity.
7. His main concern was the after party element – late night trading at the premises would increase significantly.
8. The premises were in a Cumulative Impact Area (CIA) and the significant increase in hours and capacity would add to the cumulative impact. However there were no data sets for the premises from the police.
9. The food events at the premises would not be a problem – it was only the late night after party activity that gave rise to concern.

Paul Samms in presenting the case on behalf of Birmingham Environmental Health and in response to questions from Members, made the following points:-

1. Referred Members to the email from Jane Dunsford to Licensing on 30 May 2017 submitting a representation against the application on the grounds of public nuisance given that there were flats in the direct line of site of the venue, approximately 20 metres away.
2. This venue was in a Cumulative Impact Policy area.  
  
(See attached Document No.4)
3. That the TENs events were only a snapshot in time – the residents were unlikely to complain if an event was a one-off but more likely to do so if it was a regular occurrence.
4. The TENs events had been held in April when it was cool, a more realistic picture of noise nuisance would be obtained in July/August when it was warmer and people had windows open.



5. Stated that he was unaware of the numbers attending the TENs events or how loud the music had been but was certain that noise nuisance would increase with increased numbers at the venue.
6. That a complaint had been received regarding noise nuisance in the area but this could not clearly be linked to the premises and contact had been lost with the complainant for several weeks.
7. That there were 2 issues regarding the noise report provided by the premises - firstly that it did not address the cumulative impact policy i.e. that all noise readings needed to be undertaken at a time when all premises within the area were open and these premises were also open, then incrementally increasing noise levels to the point where it could be shown that the premises did not affect the cumulative impact of noise within the area. Secondly, the report did not address compounding issues such as increased hours and dispersal of customers and how these would add to the cumulative impact.
8. That the noise complaint had been received in January 2017.
9. That Birmingham Environmental Health had not objected to the TENs as they had been aware that accumulative impact policy was in place in the area at this time.
10. That a TENs event in July would provide a more accurate measure of cumulative impact.

In summing up PC Reader stressed that the premises already had a licence and if the old licence was surrendered and a new one granted with longer hours and a greater capacity it would exceed the threshold for the cumulative impact policy area. The after party nightlife would cause problems and there would be 740 people at the venue at full capacity 500 inside and 240 outside.

In summing up Mr Charalambides pointed out that the premises were constantly under review by the Fire Service as changes happened and would review capacity at each stage. That the responsible authorities had no intelligence or research to back up their arguments regarding cumulative impact which was exceptionally disappointing. They also showed a lack of understanding of the cumulative impact policy as problems were only likely to occur late at night not during the rest of the day. He stressed that no-one had challenged the premises' commitment to the regeneration of the building or the area.

Mr Charalambides further argued that this was a very serious application and the premises had expected visits from the police to the venue and to use their intelligence data to support their arguments rather than arguing that 'we're a bit concerned it will cause an impact'. He stressed that the premises were in an ongoing conversation with all responsible authorities throughout the conversion of the premises and would accept any conditions regarding continuous risk assessments and make any changes accordingly. Neither of the 2 responsible authorities present had made any objections to the TENs and had not been called to the premises because they had not been needed to be called – there had been no problems. Mr Chauhan was confident that a noise assessment would not add to the cumulative impact of noise within the area.

In conclusion, Mr Charalambides pointed out that there was no challenge to the application, no evidence and therefore the application for a premises licence was effectively endorsed through the lack of a challenge. Mr Chauhan would be happy to accept/adopt any conditions on the licence and therefore the licence should be granted.

At 1540 hours the Chairman requested that all present, with the exception of Members, the Committee Lawyer and the Committee Manager withdraw from the meeting.

At 1643 hours, after an adjournment, all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

04/270617

**RESOLVED:-**

That the application by **Strand 2015 Limited** for a premises licence in respect of **The Monastery, 173 - 174 Digbeth High Street, Deritend, Birmingham, B12 0LD** **BE REFUSED.**

In reaching this decision, the Sub-Committee was mindful of the promotion of the Licensing Objectives in the Act as well as the Cumulative Impact Policy.

An amended application was proposed and explained by the applicant's legal representative in the hearing. The Sub-Committee carefully considered the amended operating schedule put forward by the applicant, and the likely impact of the application.

Very detailed submissions were made by the applicant's legal representative about the proposed new conditions. Discussions had taken place between the premises and Environmental Health shortly before the hearing, he explained, and in recent weeks the premises had also been consulting various other departments of the City Council.

Members noted that the issue of planning permission was still at large, and it was confirmed by the premises' legal representative that even if the licence were granted, it would be probable that the premises would have to return before the Sub-Committee to vary it, as there was so much that was yet to be discussed.

The premises were keen to develop and build on the existing Licence (which covers licensable activities on the first floor). It was submitted that these proposed new conditions would be sufficient to ensure that the premises was able to operate in a manner which would uphold the licensing objectives.

However, the starting point for the Sub-Committee was whether or not to depart from Policy. Having listened carefully to the submissions of the applicant's legal representative, the Sub-Committee were not persuaded that there was in fact any substantial reason to depart from Policy. Whilst they had been told by the applicant's legal representative that The Monastery was an 'exceptional project' and a 'grand design', Members did not consider that they had heard anything that was genuinely so exceptional that they could depart from Policy.

The Sub-Committee also heard submissions from West Midlands Police and from the Environmental Health department.

West Midlands Police were unhappy with both the opening hours and the capacity numbers, and also observed that on a recent visit they had discovered that the security personnel arrangements were not satisfactory. Overall it was the view of West Midlands Police that these types of elements would in fact add to the cumulative impact on the area.

Environmental Health were also of the view that the Cumulative Impact Policy should be upheld, regardless of the reduced hours and significantly amended terms that were discussed in advance of the hearing. Environmental Health stated that the premises had not shown that emanation of noise from these premises would not affect the cumulative impact on the area – particularly given that the premises wanted to increase their hours.

The Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the latest Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information contained in the application, the written representations received, and the submissions made at the hearing by the applicant, their legal adviser, and by those making representations – namely West Midlands Police and Environmental Health.

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.

05/270617

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**OTHER URGENT BUSINESS**

There were no matters of urgent business.

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The meeting ended at 1647 hours.

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CHAIRMAN



**BIRMINGHAM CITY COUNCIL****PUBLIC REPORT**

<b>Report to:</b>	<b>Licensing Sub Committee B</b>
<b>Report of:</b>	<b>Acting Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Tuesday 8<sup>th</sup> August 2017</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Grant</b>
<b>Premises:</b>	<b>Soiree Lounge, Unit 2, 5 -11 Fleet Street, Birmingham, B3 1JP</b>
<b>Ward affected:</b>	<b>Ladywood</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal 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 for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption on and off the premises) to operate from 12:00midday until 11:30pm (Sunday to Thursday), 9:00pm until 2:30am (Friday) and 9:00pm until 3:30am (Saturday).

To permit the provision of Regulated Entertainment consisting of indoor sporting events, live music, recorded music, performances of dance and anything of a similar description, to operate indoors only, from 12:00midday until 11:30pm (Sunday to Thursday), 9:00pm until 3:00am (Friday), and 9:00pm until 4:00am (Saturday).

To permit the provision of Late Night Refreshment to operate from 11:00pm until 2:30am (Friday) and 11:00pm until 3:30am (Saturday).

Premises to remain open to the public from 12:00midday until 12:01am (Sunday to Thursday), 9:00pm until 3:00am (Friday) and 9:00pm until 4:00am (Saturday).

Other dates and times as specified in the application form.

**2. Recommendation:**

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

**3. Brief Summary of Report:**

An application for a Premises Licence was received on 16<sup>th</sup> June 2017 in respect of Soiree Lounge, Unit 2, 5 -11 Fleet Street, Birmingham, B3 1JP.

Representations have been West Midlands Police, as a responsible authority, and from other persons.

<b>4. Compliance Issues:</b>
<b>4.1 Consistency with relevant Council Policies, Plans or Strategies:</b>
<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>TMR 2016 Limited applied on 16<sup>th</sup> June 2017 for the grant of a Premises Licence for Soiree Lounge, Unit 2, 5 -11 Fleet Street, Birmingham, B3 1JP.</p> <p>A representation has been received from West Midlands Police, as a responsible authority. See Appendix 1.</p> <p>Representations have been received from other person, which are attached at Appendices 2 – 4.</p> <p>The application is attached at Appendix 5.</p> <p>Conditions have been agreed with Environmental Health and the applicant, which are attached at Appendix 6.</p> <p>Site Location Plans at Appendix 7.</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>Copy of the representations as detailed in Appendices 1 – 4</p> <p>Application Form, Appendix 5</p> <p>Conditions agreed with Environmental Health, Appendix 6</p> <p>Site Location Plans, Appendix 7</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

ENTERED

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**From:** Abdool Rohomon -  
**Sent:** 14 July 2017 15:12  
**To:** Licensing  
**Subject:** Premise License application - Soiree lounge

Dear Licensing,

West Midlands Police have received the premise licence application for Soiree lounge. These premises are known to West Midlands Police as they used to trade under the name of Beorma, until they were subject to enforcement proceedings that saw their premise licence being suspended and then ultimately revoked. The new applicant is the Father of the previous applicant, they have traded recently under a series of TEN, although these were granted they had operating conditions that they proposed and complied with for trading purposes.

The premise licence application submitted has suggested conditions that in the view of West Midlands Police are vague, and unenforceable and do not reflect how the premises operated through the periods when they had Temporary Event Notices. West Midlands Police have suggested conditions that are clear, precise and enforceable and reflect how the premises has operated under the Temporary Event notices. Not all of these conditions have been agreed by the applicant.

Considering the history of these premises, the vague conditions being offered by the applicant, and them not consenting to the new worded conditions West Midlands Police object to this application on the grounds of the prevention of crime and disorder, public safety and public nuisance objectives for the above reasons.

West Midlands Police formally seek a licensing hearing

Kind regards

**Abs Rohomon**

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

**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

Entered  
PJ

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**From:**  
**Sent:** 02 July 2017 15:13  
**To:** Licensing  
**Subject:** Fwd: Soirée Lounge, Unit 2. 5-11 Fleet Street

**From:**  
**Date:** 1 July 2017 at 16:50:35 BST  
**To:** [licensing@birmingham.co.uk](mailto:licensing@birmingham.co.uk)  
**Subject:** Soirée Lounge, Unit 2. 5-11 Fleet Street

Dear Sirs,

Re the license application for the above premises I would like to register my objection to the issuing of such a license as a resident of Islington Gates on Fleet Street.

As has previously been shown such establishments are incompatible with a residential area as they both cause and attract nuisance elements, noise, dirt and generally lower the tone of the whole area. Already we suffer from the noise of drunken revellers walking down Fleet Street from existing premises shouting, vomiting, urinating and smashing bottles and glass ware. This is made worse by the taxi drivers attracted to the clubs who honk car horns, block the one way street, shout to illegally try and attract customers.

As I am sure you are aware Staycity on Charlotte Street has caused a huge upsurge in anti social behaviour and I am sure based on past experience this venue will do the same, as the council installed ( but ignored ) notices on the lamp posts exhort people to be quiet as this is a residential area shouldn't the council heed its own advice and not issue drinks licence and put the residents before the dodgy bar owners.



Entered  
21

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**From:**  
**Sent:** 14 July 2017 13:02  
**To:** Licensing  
**Cc:** Bhapinder Nandhra  
**Subject:** 'Soirée Club' - Objection to Licensing & Tens Applications posted June 17th 2017  
**Attachments:** APPLICATION NUMBER- 2015\_07949\_PA.pdf; APPLICATION NUMBER- 2015\_07949\_PA Officers Report.pdf

FAO: Licensing Section, Birmingham City Council

Islington Gates Management Committee

Dear Sir/Madam

**OBJECTION TO APPLICATION (by TMR 2016 LTD) FOR PREMISES LICENCE & TENS**

**- 'Soirée Lounge'/Bar, 5-11 Fleet Street B3.**

1. On behalf of residents in Fleet Street B3, I write to object to the above application.

**The Fleet Street Residential Area**

2. The applicants represent the Rashid family, who currently control these former restaurant-only premises situated within the City Fringe of the Jewellery Quarter Conservation Area, opposite residential blocks A and B of the Islington Gates development.

3. I write on behalf of the Islington Gates Management Company. Our board consists of owners/residents of properties within this 144 apartment development, which sits along the Fazeley Canal from Summer Row to Newhall Street. Accordingly it occupies the whole of one side of Fleet Street. Blocks A and B Islington Gates (numbers 4 and 6 Fleet Street) are 6 storey buildings sitting directly across from 5-11 Fleet Street. Some 50 flats are most directly affected by noise and nuisance from the Applicant's site, though nuisance connected to Club openings - notably traffic congestion and noise in the early hours - does tend to spread down Fleet Street and impact on other dwellings.

4. We ask the Licensing Committee to recognise that Fleet Street is a residential area. Since the opening of Beorma and now, Soirée Lounge/Club under temporary licences, Fleet Street has witnessed unprecedented and inappropriate levels of nuisance, noise and traffic congestion when the club is open. Historically two other Club/bar premises have operated nearby, on Summer Row. Unlike 5-11 Fleet Street, these premises do not sit directly in the residential area.

5. We object to the grant of a premises licence, inter alia, on the following grounds:

**Crime and Disorder**

6. Objective control of the premises has not changed since the revocation of the previous premises licence on crime and disorder grounds; 5-11 Fleet Street is controlled by the Rashid family.

There is no reason to believe that a 200 seater club re-styled as 'Soirée Lounge' will not, again, attract criminal elements, as evidenced when operated as 'Beorma Club' by the Rashid family. Current social media advertising and promotions mirror those previously posted for Beorma Club and appear aimed at attracting the same clientele. Social media currently promote the Soirée Club as offering 'a Miami nightlife experience' (Birmingham Mail website). The Licensing Committee will recall that, under the ownership of the Rashid family, 5-11 Fleet Street brought into our area criminal elements resulting in gun crime in March 2016. Up to this time Fleet Street was free of such serious criminal behaviour.

### **Nuisance to Residents**

7. Like its previous incarnation as Beorma Club, the experience of Soirée Lounge operations via TENs to date has been poor. Residents in flats facing the premises have been disturbed. A resident has complained to BCC Environmental Health as follows:

*At 00:30 hours (Sunday 02/07/17), I was awoken by a group of young men gathering outside the entrance to the club, I saw them drinking from a wine bottle. Others arrived and joined the awaiting group outside the premises. There was no evidence of security staff in that no one was wearing hi-vis jackets.*

*At 02:38 (02/07/17), I was awoken again. There was a large group (20-30 people) in Fleet Street. There was shouting. Glass bottles were smashed. There was considerable noise from cars revving (and cheering from the group in the street). There was no evidence of security staff or marshals to supervise the dispersal of patrons from the premises.*

8. As the Committee should be aware, this is a reprise of the nuisance previously occasioned in the middle of the night by Beorma Club. This indicates an absence of suitable control by the Rashid family of this 'new' venture. It underlines the unsuitability of late night club opening opposite the Islington Gates' residential blocks.

9. This conclusion is based upon the hard evidence of the local residents' experience of Beorma/Soirée club activity directly opposite them. It is a conclusion also reached by the City Council Planning Committee. We wish to reserve the right to bring further evidence of residents' concerns to the Committee.

### **Refusal of Planning Permission on Grounds of Nuisance to Residents (December 2015).**

10. The operation of 5-11 Fleet Street as club premises was the subject of a planning application in December 2015 (Application No. 2015/07949/PA). This sought change of use from restaurant (Use Class 3) to bar (Use Class 4).

11. This was refused by the Birmingham City Council Planning Committee on the following grounds:

*The use of the application premises as a drinking establishment, due to its scale, late opening, proximity to residential development and cumulative impact with nearby existing bars would adversely affect the amenity of occupiers of dwellings in the vicinity by reason of noise and general disturbance. As such the proposal would be contrary to Paragraphs 3.8 and 8.7 of the Birmingham UDP 2005 and the National Planning Policy Framework.*

12. We append a full copy of the Planning Decision. While we understand that the Licensing process is 'stand alone' we urge the Committee to address the decision of the City Planning Committee as a material consideration in the matter of nuisance to residents. Presciently, the Planning Committee Decision of December 2015 accurately predicted the experience of residents during the operation of the previous and current club run by the Rashid family at 5-11 Fleet Street.

13. Furthermore, contact with the Planning Enforcement arm of the City Council indicates that the failure of the owners and operators of both Beorma and now, Soirée Clubs, to respect the decision of the Planning Committee is under active scrutiny.

14. In an email of 7th June 2017 to myself the following information was provided by the Planning Department:

*From: Mark Franklin, BCC Enforcement*

*Just to advise you that planning, planning enforcement, licensing and conservation all met on site on Monday with the leaseholder and his representatives. In short he was advised of his obligations with regards to all legislation.*

*We are expecting an application for listed building consent and a planning application regarding the use as a late night bar. The planning application has not been invited, however, we are unable to refuse the submission of one and the planning agent involved wants the opportunity for something to be considered that he feels will overcome not only the planning issues, but the licensing issues as well.*

*It was agreed that the premises would not operate whilst this matter is on-going, however, should they do so we will consider what action, if any is appropriate to take.*

*As matters progress, I will update you accordingly.*

*Yours sincerely*

*Mark Franklin  
Senior Enforcement Officer  
Planning Management*

(END)

15. I draw attention to the penultimate paragraph of the above, in which Mr Franklin states that:

**'it was agreed that the premises would not operate whilst this matter is ongoing'.....**

I understand the above to mean that an undertaking was given by the Soirée Club operator that the club would not seek to open until the absence of Planning permission (and other irregularities) were resolved. This undertaking appears to have been breached by the Soirée Lounge opening (and subsequent disturbance to residents) on the night of July 1st/2nd 2017, evidenced in the complaint above.

16. Prior to the above undertaking the club obtained TENs as follows:

Saturday 8th April 2017

22:00hrs to 04:00hrs

Saturday 16th April 2017

22:00hrs to 04:00hrs

Saturday 22nd April 2017

22:00hrs to 04:00hrs

Sunday 30th April 2017

22:00hrs to 04:00hrs

Saturday 6th May 2017

22:00hrs to 04:00hrs

Saturday 13th May 2017

22:00hrs to 04:00hrs

Saturday 20th May 2017

22:00hrs to 04:00hrs

Saturday 27th May 2017

22:00hrs to 04:00hrs

17. Over this period residents observed that the Soirée Lounge did not operate on some of the above dates, while on others, the club opened briefly (between c.12 midnight and the early hours), but with very few customers. This may be an attempt to claim, on the part of the Applicants, that the club has operated without detriment to local residents. However, by curtailing its usual operation to a notional period atypical of the actual planned operation, such token operation is no guide to likely nuisance to residents should a full premises licence be granted.

18. The Islington Gates Management Company urges the Licensing Committee to take the above into account. Planning consent was refused - Beorma and now, Soirée Clubs have operated and continue to operate, unlawfully without planning consent. Residents wish to see Enforcement action to uphold the Planning decision.

19. We invite the Committee to refuse all the current applications on nuisance, potential crime and disorder grounds and on the poor record of compliance of the Rashid family and their agents in respect of earlier Licensing conditions. Clearly, given the undertaking cited by Mr Franklin appears to have been breached by the current club operator, this can give the Committee little confidence that conditions it applies to any future club operations will be respected.

20. However, should the Committee be minded to approve the Application, we invite the Committee to postpone any decision in the light of the undertaking quoted in Mr Franklin's email and as Mr Franklin goes on to note, the need to resolve the Applicant's '*obligations with regard to all legislation*'.

21. Should the operator deny any such undertaking was given, it would still be a reasonable course of action and fair to both parties, were the Licensing Committee to postpone a decision on this Application to allow the various issues referred to by Mr Franklin from Enforcement to be resolved.

22. Additionally, we believe it would be perverse to ignore the clear finding of the Planning Committee, given its view (as to nuisance to residents in a residential area) goes to the heart of the concerns (and actual experience in Fleet Street) raised by residents in objection to the grant of licences to the Rashid's club at 5-11 Fleet Street.

23. The Islington Gates Management Company also supports the objection submitted by , a resident of Islington Gates.

**In Summary**

24. The Islington Gates residents' organisation believes the Committee should dismiss the current Applications for the reasons given above;

25. Alternatively the Committee should postpone a decision on these Applications until the matters referred to by the Senior Enforcement Officer, Mr Franklin, are progressed and resolved.

Yours Sincerely

Islington Gates Management Company

, Fleet Street, Birmingham B3

.....

REFUSAL OF CHANGE OF USE 5-11 Fleet St B3 -

15/12/15



## **DECISION DOCUMENT**

**APPLICATION NUMBER: 2015/07949/PA**

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPLICANT**

Biome Trading Company Limited  
81 Hamstead Hall Road  
Handsworth Wood  
Birmingham  
B20 1JA

**AGENT (if used)**

GT Designz Ltd  
82a Holyhead Road  
Wednesbury  
West Midlands  
WS10 7PA

BIRMINGHAM CITY COUNCIL HEREBY REFUSE PLANNING PERMISSION FOR DEVELOPMENT PROPOSED BELOW FOR THE REASONS STATED.

Change of use from restaurant (Use Class A3) to bar (Use Class A4)

at

5-11 Fleet Street, City Centre, Birmingham, B3 1JP

**Reason(s) for Refusal**

- 1 The use of the application premises as a drinking establishment, due to its scale, late opening, proximity to residential development and cumulative impact with nearby existing bars would adversely affect the amenity of occupiers of dwellings in the vicinity by reason of noise and general disturbance. As such the proposal would be contrary to Paragraphs 3.8 and 8.7 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Date: Tuesday 15th December 2015

Waheed Nazir, Director of Planning and Regeneration

P.O. BOX 28, Birmingham B1 1TU

In reaching this decision Birmingham City Council have made the decision in a positive way to foster the delivery of sustainable development, working proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. The decision has been taken having regard to the impact of the development, and in particular to the policies and proposals in the adopted Development Plan, and to all relevant material considerations, including the National Planning Policy Framework, the City Council's draft Birmingham Development Plan and Supplementary Planning Documents/Guidance. The City Council have worked in a seamless and timely manner to undertake the necessary liaison and negotiation with

the applicant, third parties and statutory consultees (at the application and pre-application stages) to look for solutions which seek only high quality sustainable development.

REFUSAL

Delegated Date:	11/12/2015	Application Number:	2015/07949/PA
Accepted:	20/10/2015	Application Type:	Full Planning
Target Date:	15/12/2015		
Ward:	Ladywood		

5-11 Fleet Street, City Centre, Birmingham, B3 1JP

Change of use from restaurant (Use Class A3) to bar (Use Class A4)

Applicant:	Biome Trading Company Limited 81 Hamstead Hall Road, Handsworth Wood, Birmingham, B20 1JA
Agent:	GT Designz Ltd 82a Holyhead Road, Wednesbury, West Midlands, WS10 7PA

#### Recommendation

#### **Refuse**

#### 1. Proposal

- 1.1. The site is located at 5-11 Fleet Street which is a Grade II Listed Building located within the Jewellery Quarter Conservation Area. The application is for the change of use of the vacant unit from a restaurant (Use Class A3) to a bar (Use Class A4). This unit is located at ground and first floor levels in the front part of the building and has a floor area of 330 sqm. The hours of operation for the proposed bar would be 12 noon – 12 midnight Monday to Friday, 12 noon to 3.30am Saturdays and 12 noon to 11pm Sundays and Bank Holidays.
- 1.2. Listed Building Consent was obtained in 2013 for the refurbishment of the ground floor windows (2013/01362/PA). These works included refurbishment of the windows, installation of secondary glazing, the installation of a frameless glass entrance door, new signage and the alteration of a window to provide a menu board. This permission remains extant until the 25/04/2016.
- 1.3. A Listed Building Consent application has also been submitted to accompany this application (2015/08303/PA) for external alterations including a new glazed entrance door, refurbishment of windows, externally illuminated sign, backlit sign and internal alterations including installation of new bars, seating and toilets at ground and first floor level including new internal partition walls. There is some overlap between the works proposed in the new LBC application and the former consent including the glazed entrance door and window refurbishment.
- 1.4. Development has commenced on the site including internal refurbishment works, the installation of black framed metal doors with stainless steel handles, a tubular entrance feature within the original wagon entrance to the left of the front elevation, new acrylic internally illuminated signage. These works are unauthorised and the external works do not match the extant permission or submitted LBC application.

#### 2. Site & Surroundings

- 2.1 The building located at 5-11 Fleet Street is a Grade II Listed Building within the Jewellery Quarter Conservation Area. The building was constructed in the late 19<sup>th</sup>



Century and was used as a metal working factory. The building underwent some substantial alterations in the early 2000s involving the retention of the original façade and rebuilding to the rear, together with the conversion of the building to provide 2 restaurant units (2001/05812/PA).

- 2.2 In terms of the historic significance; the building is a good example of a 19<sup>th</sup> Century metal works. It is a two storey building constructed from brick with stone dressings, and decorative banding at eaves level, a slate roof and traditional sash windows. The timber loading bay doors (some of which have now been removed) and the wagon access are also notable features of the building.
- 2.3 In terms of the surrounding environment. The site is located adjacent to the building at 13-15 Fleet Street which is a Grade II\* Listed Building now in use as a museum (Coffin Works). The site is also located opposite the block of flats within the canalside Islington Gates development. There are several bars located on Summer Row to the west of the site including The Shakespeare, Apres Bar, Mechu and Fleet Street bar/restaurant.

### 3 Planning History

- 3.1 1998/00879/PA - Conversion into restaurant (Class A3) and 4 flats and erection of single-storey extension – Approved with Conditions 18/06/1998.
- 3.2 2001/00696/PA - Conversion, including erection of rear extension to provide restaurant, cafe and offices – Refused 26/04/2001.
- 3.3 2001/00697/PA - Part demolition, alterations and extension to provide restaurant, cafe and offices – Refused 26/04/2001.
- 3.4 2001/05805/PA - Conversion to restaurant and erection of rear extension to provide additional restaurant – Approved with Conditions 19/04/2002.
- 3.5 2001/05812/PA - Part demolition, alterations and erection of rear extension to provide two restaurants (LBC) – Approved with Conditions 19/04/2002.
- 3.6 2004/0359/ENF - Development is not being carried out in accordance with previous approval refs 2001/05805 and 2001/05812/01 – Closed no Planning Issues - 20/06/2001.
- 3.7 2011/04335/PA - Retention of an internally illuminated menu board to front elevation Refused - 06/09/2011
- 3.8 2011/04341/PA - Listed Building Consent for the retention of an internally illuminated menu board to front elevation - Refused - 06/09/2011
- 3.9 2011/0446/ENF - Internally illuminated menu board adjacent to main entrance – Breach ceased 8/11/12
- 3.10 2013/01362/PA – Listed Building Consent for refurbishment of ground floor windows – Approved with Conditions 25/04/2013

### 4 Consultation/PP Responses

- 4.1 Transportation - no objection. The level of trip generation would be very similar between the two uses, and servicing is unlikely to become notably greater.

- 4.2 Regulatory Services – objection. Recommend refusal as the premises location is not considered suitable and that significant and unreasonable disturbance would arise to occupiers of the existing Islington Gates residential premises on the opposite side of Fleet St. Environmental Health have investigated several noise complaints about the existing Mechu and Apres premises, which have resulted historically in the licence being reviewed. Despite practicable controls being implemented at the bar (eg ensure that queueing takes place away from the residential premises) we still receive complaints. Existing residents have an adverse impact on their amenity already, which would be exacerbated by the presence of another bar. EPU consider that the potential impact of this development, due to the local setting, is more significant than the existing bars.
- 4.3 Birmingham City Centre Management, Trafalgar Area Action Group, Central Ladywood Community Forum, The Civic Centre Residents Association, Ward Councillors, The Jewellery Quarter Development Trust and Newhall Court Residents Association were notified of the application. No responses were received.
- 4.4 Local residents and businesses were notified of the application, a press and site notice was also displayed. 6 responses were received with the following summarised points of objection.
- Noise impact on residential flats directly opposite the site/in close proximity.
  - The proposed bar used would have a much greater impact than a restaurant use,
  - Cumulative noise and disturbance impact with other bars in the vicinity of the site.
  - Increased anti-social behaviour associated with bar use.
  - Increased car parking congestion.
  - This unit was never used as a restaurant and the proposal would be considered to be a change of use from the former industrial use.
  - The hours of operation should be limited to 10pm to allow residents to sleep.
  - The glazed door and illuminated signs are out of character with this listed building(s) and conservation area.
- 5 Policy Context
- 5.1 Birmingham Unitary Development Plan, Draft Birmingham Development Plan, NPPF, Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area Design Guide.
- 6 Planning Considerations
- 6.1 This planning application is for change of use only; the main issues to consider are the principle of development, impact on residential amenity and transport issues.
- Principle of Use
- 6.2 In relation to the principle of the change of use from a restaurant (A3) to a drinking establishment (A4). This former industrial building was converted into two restaurants in the early 2000s following permission granted in 2002 (ref: 2001/05805/PA).
- 6.3 The Birmingham UDP seeks to encourage a diversity of uses within the city centre including leisure and entertainment uses (paragraphs 7.32 & 7.33). The Draft Birmingham BDP also seeks a mixture of uses in the city centre in order to promote its diversity, vitality and viability (paragraph 7.37). The BDP states that *'it is key to the*

*success of a centre to have alongside A1 retail units, other uses, for example bars, restaurants, leisure, local services and hot food takeaways. It is however important that the main retail function of a centre is not undermined by an over-concentration of these non-A1 uses".* In order to achieve this BDP Policy TP23 states that there should be no over concentration of non-retail uses (Class A2, A3, A4 and A5) within the city centre to the detriment of the retail function, attractiveness and character of the centre in question.

- 6.4 The site is located within the City Fringe area of the Jewellery Quarter which falls within the city centre boundary, where leisure and entertainment uses are normally encouraged. The development would not result in the loss of retail use or an impact on the vitality and viability of the city centre as a whole. However, the site is located at the western end of Fleet Street which is located close to several existing bars on Summer Row, including: The Shakespeare, Apres Bar, Mechu and Fleet Street bar/restaurant. In addition, Fleet Street does contain several blocks of residential flats including Islington Gates directly opposite the site. Therefore, although the general land use principle of new drinking establishment uses can be supported in city centre locations, consideration needs to be given to whether the proposal would result in an over-concentration of such uses to the detriment of the amenity, function, attractiveness and character of the centre. This matter is considered in the next section of this report.

#### Residential Amenity

- 6.5 It is important to ensure that the proposed new drinking establishment use does not result in a detrimental impact on local residential amenity including an over-concentration of such uses in the area. As set out above, there are residential properties in the area including at Islington Gates directly opposite the site. Particular attention should be given to ensuring that the proposed drinking establishment (A4) use does not result in harm to these nearby residential units contrary to UDP Policies 8.6 & 8.7. It is acknowledged that several residents from this development have objected to the application on the grounds of noise and disturbance.
- 6.6 The proposed bar would be a reasonably sized drinking establishment with a floor area of 330 sq. m operating over two floors. The proposed bar would also have late hours of operation: 12 noon – 12 midnight Monday to Friday, 12 noon to 3.30am Saturdays and 12 noon to 11pm Sundays and Bank Holidays. Considering the size and potential large capacity of the bar, the late opening hours and the proximity to residential accommodation, the proposal would have the potential to generate a high level of noise and disturbance to the detriment of local amenity. Regulatory Services have recommended the refusal of the application due to the significant and unreasonable disturbance which would arise to occupiers of the existing Islington Gates residential development opposite the site. It is noted that the site has permission for restaurant use (with no operating hours restrictions), however the proposed bar use, particularly considering the scale and operating hours, would have a significantly greater impact on local amenity. The application has not been submitted with a noise survey which assesses the potential amenity impact on neighbouring properties in detail and no details of mitigation measures such as building insulation have been submitted.
- 6.7 In relation to the potential cumulative impact of the development in conjunction with other similar uses in the area. The site is located close to several existing bars on Summer Row to the west including: The Shakespeare, Apres Bar, Mechu and Fleet Street bar/restaurant. Regulatory Services have advised that they have investigated noise complaints about some of these existing uses, which indicates that there are

existing amenity problems in the area. The majority of these existing entertainment uses are located on Summer Row to the west of the site, and the proposed bar would be located closer to the residential flats within the Islington Gates development. It is considered, on balance, that the proposed bar has the potential to result in a cumulative amenity impact on nearby residential properties. It is considered that the proposed restaurant use has the potential to result in further demonstrable harm to local residential amenity from noise and disturbance contrary to UDP Policies 8.6 & 8.7 and BDP Policy TP23.

- 6.8 Overall, it is considered that the proposed bar, due to its scale, late opening, proximity to residential development and cumulative impact with nearby existing bars would cause demonstrable harm to local residential amenity contrary to UDP Policies 8.6 & 8.7 and BDP Policy TP23. No information such as a noise survey, insulation details or reduced hours of opening have been received from the applicant to demonstrate that the use could operate without detriment to local residential amenity.

#### Transport Impact

- 6.9 Transportation have been consulted on the proposal and have raised no objections. The application site is located within the Jewellery Quarter, close to the city centre and is highly accessible by walking, cycling and public transport. The development would not provide any on-site car parking, however adequate on-street car parking would be provided within the vicinity of the site. The proposed use could also be adequately serviced from Fleet Street without detriment to local highway conditions. Overall, the proposed use of the site would not be likely to have a detrimental impact on the safe operation of surrounding streets and there are no significant reasons why the proposal should be resisted on highway grounds.

#### Refuse Storage

- 6.9 No external refuse storage area is proposed. However, there is space within the courtyard area to the side/rear to provide externally sited refuse containers and had the development been otherwise acceptable this matter could have been dealt with by planning condition.

#### Other Issues

- 6.10 In response to the other residential objections. Firstly, limited weight would be given to the fact that the restaurant unit at the front of the property was never implemented or occupied following the granting of permission in 2002 and has been vacant for some time. The site previously obtained permission for restaurant use, however, the principle of the proposed drinking establishment use is considered on its own merits above. Secondly, in relation to the potential increase in anti-social behaviour issues. It is acknowledged that drinking establishments can sometimes result in an increase in anti-social behaviour in the area. However, this would be a matter that could be mitigated through customer management and security measures.

#### 8 Recommendation

- 8.1 Overall, it is considered that the proposed bar, due to its scale, late opening, proximity to residential development and cumulative impact with nearby existing bars would cause demonstrable harm to local residential amenity contrary to UDP Policies 3.8, 8.6 & 8.7 and BDP Policy TP23.

#### **8.1 Refuse**

Reason for Refusal

- 
- 1 The use of the application premises as a drinking establishment, due to its scale, late opening, proximity to residential development and cumulative impact with nearby existing bars would adversely affect the amenity of occupiers of dwellings in the vicinity by reason of noise and general disturbance. As such the proposal would be contrary to Paragraphs 3.8 and 8.7 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- 

Case Officer: Robert Lester

## Appendix 4

**Licence Application: 101982 TMR 2016 Limited for SOIREE LOUNGE Bar/Restaurant.**

**This application should be refused:**

**For the prevention of public nuisance** by reason of noise and general disturbance:

1. The cumulative impact of nearby licensed premises (Shakespeare Bar, Apres Bar, Mechu and Fleet Street Kitchen) would adversely affect the amenity of occupiers of dwellings in the vicinity (some only 15 metres away) by reason of noise and general disturbance.
2. Such a proposal would be contrary to paragraphs 3.8 and 8.7 of the Birmingham UDP 2005.
3. Such a proposal would be contrary to the National Planning Framework.
4. The construction and design of this heritage building is inadequate, despite recent noise attenuation works, to contain the noise generated by the musical entertainment and the general noise created by such a large number of customers.
5. There is an unfortunate history to the operation of this club, both under its former identity as Beorma Club and presently when operating as Soiree Lounge under Temporary Events Notices.
6. The proposed site is much closer to high density residential properties than any of the nearby licensed premises (as listed in 1 above), at just 15 metres in some instances, and therefore make the premises unsuitable for these licenced activities.

**For the prevention of crime and disorder** by reason of disorder, drunkenness and anti-social behaviour:

1. As evidenced in paragraph 5 above, when operating under a Temporary Events Notice, there were customers congregating in Fleet Street, consuming alcohol from bottles, fighting, urinating in the street and being generally anti-social to nearby residents.
2. The door staff do not regulate or control the behaviour of customers in the street. Their main function is to ensure admission was limited to invited guests only. SIA Badges were not always evident, nor were Hi-Viz Jackets.
3. The operation of marshals to regulate and control the dispersal of patrons was either not operating or completely ineffective.
4. Parking in Fleet Street was chaotic and illegal with vehicles parked on the footpath, occupying disabled parking bays and obstructing the vehicular access points for Islington Gates and other properties in the vicinity. High powered motor vehicles revving engines at 4.00 a.m. is not conducive to sleep!

**For Public Safety** this application should be refused:

As already evidenced above,

1. Customers consuming alcohol from bottles in the street presents significant danger to customers and residents.
2. Parking presents significant risk to the safe passage of pedestrians and other road traffic, especially emergency vehicles.
3. The nature and construction of the heritage building makes it unsuitable for use by so many customers, especially at first floor level.

4. The inactivity of security staff to intervene in instances of public disorder and criminality presents risk to customers and residents.

However, should the Licensing Committee be minded to approve this application we would ask that, for the prevention of the **prevention of public nuisance** and for the **prevention of crime and disorder** (given the information already stated above) that the requested activity times for Friday, Saturday, Good Friday, every Saturday and Monday of a Statutory Bank Holiday, Christmas Eve and Boxing Day of 04:00 be REFUSED and substituted with 02:00 instead (with the exception for New Year's Eve only).

Further, for the **prevention of public nuisance**, we would ask that any grant of a licence is conditioned to prohibit the sale or consumption of alcohol or any other licensed activity within the enclosed courtyard area between the street entrance and the restaurant entrance. This will prevent the un-controlled emission of noise that would be unreasonable to the amenities that the nearby neighbours should expect to enjoy.

Islington Gates  
Fleet Street  
Birmingham.  
B3

101.982  
17.06.17 - 14.07.17

**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 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 TMR 2016 LIMITED**

*(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

**Part 1 – Premises details**

Postal address of premises or, if none, Ordnance Survey map reference or description <b>SOIREE LOUNGE UNIT 2, 5-11 FLEET STREET</b>			
Post town	<b>BIRMINGHAM</b>	Postcode	<b>B3 1JP</b>
Telephone number at premises (if any)			
Non-domestic rateable value of premises		<b>£Not recorded</b>	

**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/limited liability partnership | <input checked="" type="checkbox"/> please complete section (B) |
| ii as a partnership (other than limited liability)   | <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    | <input type="checkbox"/> please complete section (B)            |
| f) a health service body                             | <input type="checkbox"/> please complete section (B)            |

**REGULATION & ENFORCEMENT  
LICENSING SECTION**

13 JUN 2017  
R.000 ck

REF NO 9471 / 000196

INITIALS \_\_\_\_\_

1



- 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 (by ticking yes to one box below):

- 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		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes
Nationality				
Current residential address if different from premises address				
Post town		Postcode		
Daytime contact telephone number				
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				
Date of birth					I am 18 years old or over <input type="checkbox"/> Please tick yes				
Nationality									
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 <b>TMR 2016 LIMITED</b>
Address <b>UNIT 2 5-11 FLEET STREET BIRMINGHAM B3 1JP</b>
Registered number (where applicable) <b>10529426</b>
Description of applicant (for example, partnership, company, unincorporated association etc.) <b>PRIVATE LIMITED COMPANY</b>
Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
	07	2017

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

DD	MM	YYYY

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

The applicant is seeking to be granted a premises License for the premises known as SOIREE LOUNGE (formerly BEORMA CLUB).

It has been well documented that the previous management team when it was known as The Beorma Club, had their premises license revoked at a Licensing Sub-committee hearing on 13<sup>th</sup> April 2016.

The Applicant who is also the leaseholder has removed all trace of the old management team and is looking to operate an upmarket licensed lounge, which will be controlled by an advanced guest list. There will be no admittance to persons unless they have arranged to be on the guest list. Identity of persons on the guest list will be confirmed from the ID scanner which will be used for every person entering the premises.

Currently the premises have been operating on a number of Temporary Events Notices which have not attracted any complaints in relation to Crime & Disorder or confirmed Noise complaints. The management team are in the process of engaging with nearby neighbours to allay any concerns they may have.

The new management structure is as follows: Stefan Kreuter, a Designated Premises Supervisor who is well respected in the leisure industry and has a wealth of experience. MORE SECURE, a security company who provide security to a number of venues and again is well respected in the Security Industry.

The applicant together with C.N.A. Risk Management will oversee the operation and ensure that the four licensing objectives are being met.

There are a number of documents attached to this application, they are as follows:

A list of Temporary Events notices showing submission date, together with documents which accompanied each TENS application. This consisted of a dispersal policy, Operational action plan and an events risk assessment.

The applicant will continue liaison with the responsible authorities especially West Midlands Police, Environmental Health Unit and Planning department.

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

☒

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

☒

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

A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>			
Mon			<b>Please give further details here</b> (please read guidance note 4)			
Tue						
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)			
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 6)			
Sat						
Sun						

# B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)	
Mon				
Tue				
Wed			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)	
Thur				
Fri				
Sat			<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 6)	
Sun				

C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon	12:00hrs	23.30hrs	
Tue	12.00hrs	23.30hrs	<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed	12.00hrs	23.30hrs	
Thur	12:00hrs	23.30hrs	
Fri	21.00hrs	03.00hrs	<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 6)
Sat	21.00hrs	04.00hrs	
Sun	12:00hrs	23.30hrs	<b>From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day</b>  <b>On the commencement of British Summer Time a further additional hour to the standard permitted times.</b>

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<b>Please give further details here</b> (please read guidance note 4)			
Tue						
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)			
Thur						
Fri			<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 6)			
Sat						
Sun						



E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors <input checked="checked" type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	12:00hrs	23.30hrs	<b>Please give further details here</b> (please read guidance note 4)		
Tue	12.00hrs	23.30hrs			
Wed	12.00hrs	23.30hrs	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur	12:00hrs	23.30hrs			
Fri	21.00hrs	03.00hrs	<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 6)		
Sat	21.00hrs	04.00hrs	From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day		
Sun	12:00hrs	23.30hrs	On the commencement of British Summer Time a further additional hour to the standard permitted times.  Every Sunday preceding a statutory Monday Bank Holiday, Christmas eve or boxing day, hours of Live Music from 21.00hrs to 04.00hrs.		

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon	12:00hrs	23.30hrs			
Tue	12.00hrs	23.30hrs			
Wed	12.00hrs	23.30hrs	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Thur	12:00hrs	23.30hrs			
Fri	21.00hrs	03.00hrs	<b>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</b> (please read guidance note 6)		
Sat	21.00hrs	04.00hrs	From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day		
Sun	12:00hrs	23.30hrs	On the commencement of British Summer Time a further additional hour to the standard permitted times.  Every Sunday preceding a statutory Monday Bank Holiday, Christmas eve or boxing day, hours of recorded music from 21.00hrs to 04.00hrs.		

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>				
Mon	12:00hrs	23.30hrs	<b>Please give further details here</b> (please read guidance note 4)			
Tue	12:00hrs	23.30hrs				
Wed	12:00hrs	23.30hrs	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)			
Thur	12:00hrs	23.30hrs				
Fri	21.00hrs	03.00hrs	<b>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</b> (please read guidance note 6)			
Sat	21.00hrs	04.00hrs	<b>From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day</b>			
Sun	12:00hrs	23.30hrs	<b>On the commencement of British Summer Time a further additional hour to the standard permitted times.</b>  <b>Every Sunday preceding a statutory Monday Bank Holiday, Christmas eve or boxing day, hours of Performance of Dance from 21.00hrs to 04.00hrs.</b>			

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors <input checked="" type="checkbox"/>
Mon	12:00hrs	23.30hrs		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	12.00hrs	23.30hrs	<b>Please give further details here</b> (please read guidance note 4)	
Wed	12.00hrs	23.30hrs		
Thur	12:00hrs	23.30hrs	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)	
Fri	21.00hrs	03.00hrs		
Sat	21.00hrs	04.00hrs	<b>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</b> (please read guidance note 6)	
Sun	12:00hrs	23.30hrs		
			<b>From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day</b>	
			<b>On the commencement of British Summer Time a further additional hour to the standard permitted times.</b>	
			<b>Every Sunday preceding a statutory Monday Bank Holiday, Christmas eve or boxing day, hours of anything of a similar description to that falling within (e), (f) or (g) from 21.00hrs to 04.00hrs.</b>	

# I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<b>Please give further details here</b> (please read guidance note 4)			
Tue						
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)			
Thur						
Fri	23.00hrs	02.30hrs	<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 6)			
Sat	23.00hrs	03.30hrs	From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day			
Sun			On the commencement of British Summer Time a further additional hour to the standard permitted times.			
			Every Sunday preceding a statutory Monday Bank Holiday, Christmas eve or boxing day, hours of Late Night Refreshment from 23.00hrs to 03.30hrs.			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption</b> – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	12:00hrs	23:30hrs	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Tue	12:00hrs	23:30hrs			
Wed	12:00hrs	23:30hrs			
Thur	12:00hrs	23:30hrs	<b>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</b> (please read guidance note 6)		
Fri	21:00hrs	02:30hrs			
Sat	21:00hrs	03:30hrs	<b>From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day</b>		
Sun	12:00hrs	23:30hrs			
			<b>On the commencement of British Summer Time a further additional hour to the standard permitted times.</b>		
			<b>Every Sunday preceding a statutory Monday Bank Holiday, Christmas eve or boxing day, hours of Supply of Alcohol from 12.00hrs to 04.00hrs.</b>		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name <b>STEFAN TIMOTHY KREUTER</b>	
Date of birth	
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 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	12:00hrs	00:01hrs	<p><u>Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p> <p>From the end of permitted hours on New Years Eve to the start of permitted hours on New Year's Day</p> <p>On the commencement of British Summer Time a further additional hour to the standard permitted times.</p> <p>Every Sunday preceding a statutory Monday Bank Holiday, Christmas eve or boxing day, hours of opening from 21.00hrs to 04.00hrs.</p>
Tue	12:00hrs	00:01hrs	
Wed	12:00hrs	00:01hrs	
Thur	12:00hrs	00:01hrs	
Fri	21.00hrs	03.00hrs	
Sat	21.00hrs	04.00hrs	
Sun	12:00hrs	00:01hrs	

**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 10)**

- Staff shall be trained in their responsibilities under the Licensing Act 2003 and training records shall be maintained and produced to the Police and Licensing Authority upon request.
- Suitably experienced person(s), shall be employed at all times whilst entertainment is being provided and shall take all reasonable steps to ensure that patrons do not cause a nuisance in the vicinity of the premises.
- The premises shall operate a search policy, drugs policy, lost property policy, dispersal policy and an ejection policy. All staff shall be trained on the policies and ensure compliance with the policies at all times.

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

- The premises shall operate a CCTV system which will be operated and maintained to the reasonable satisfaction of West Midlands Police. Images to be retained for a minimum of 30 days and made available to the responsible authorities upon reasonable request.
- If the premises has any external promoter the premises must give 28 days' notice of any such event to West Midlands Police Licensing Department. Notice must include full risk and security assessment. If additional control measures are needed they will become conditions for the duration of that event and any other events of the same name. Any additional measures to be communicated to the premises by West Midlands Police and retained on the premises and be produced when requested by any responsible authorities.
- All staff on the Premises shall be trained in recognising intoxicated customers and their responsibilities under the Act. Such training to be documented in a training register that is kept on the premises and available for inspection upon request by any responsible authority.
- The Number of Door Supervisors will be determined by the venue's risk assessment.
- The Premises License holder will ensure that when Door Supervisors are deployed, they will be in High Visibility coats/jackets when outside, and reflective tabards inside.
- Door Supervisors are to sign on and off duty every night, the signing in sheet to include their full name and full SIA badge number. Door Supervisors profiles to be retained on the premises for every Door Supervisor that is working at the premises or has done in the last 6 months. Profiles to be proof of identity (copy SIA badge, passport or photo driving license) and proof of address dated in the last 6 months (utility bill, bank statement or other government letter). Profiles to be made available immediately on request to any Responsible Authority.

**c) Public safety**

- A Health and Safety risk assessment is to be carried out regularly.
- The maximum capacity is to be agreed with West Midlands Fire Service. This figure may be varied from time to time subject to agreement with West Midlands Police.
- The licence holder will ensure that a member of staff will be trained in First Aid.
- The premises are to adopt best practices, such as the National Alcohol Harm Reduction Strategy.



**d) The prevention of public nuisance**

- A noise limiting device has been installed, in the premises, and will meet the specification and installation requirements of Birmingham City Council Environmental Health and set at a level agreed with Birmingham City Council Environmental Health. All regulated entertainment, live or recorded, shall be controlled by the limiter.
- Save for access/egress, all doors and windows shall remain closed during regulated entertainment in the premises.
- SIA Registered Security staff will oversee patrons arriving or departing the premises and not allow antisocial behaviour by individuals or groups. When necessary advice will be given to such patrons not to do anything which may cause annoyance or disturbance to local community.
- Uniformed Marshalls to be engaged to direct customers away from residential properties when leaving the premises and to ensure customers do not congregate in Fleet Street.
- The Designated Premises Supervisor shall ensure that the approved dispersion/management plan is implemented.
- There shall be no regulated entertainment in the external areas at any time.
- Recorded music sound levels are to be monitored so as not to constitute a Public Nuisance

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

- The only acceptable forms of ID shall be a passport, photo card driving licence or a PASS accredited proof of age.
- Provision of sufficient staff to protect children from harm. with training on appropriate behaviour.
- No children allowed on the premises when the premises is operating.
- The premises shall adopt the challenge 25 scheme and appropriate signage will be placed at the entrance to the premises and adjacent to any bar servery.
- An ID Scanner will be fitted and in use.

**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, 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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
<b>Signature</b>	
<b>Date</b>	<b>Friday 16<sup>th</sup> June 2017</b>
<b>Capacity</b>	<b>Authorised Agent – C.N.A. Risk Management Limited</b>

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

<b>Signature</b>	
<b>Date</b>	
<b>Capacity</b>	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

**Carl Moore**

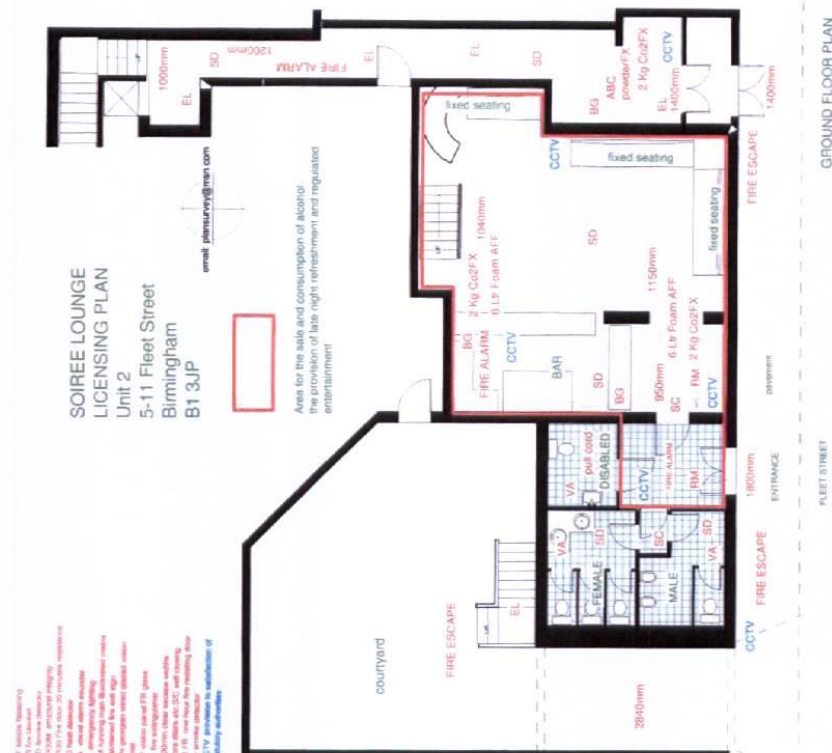
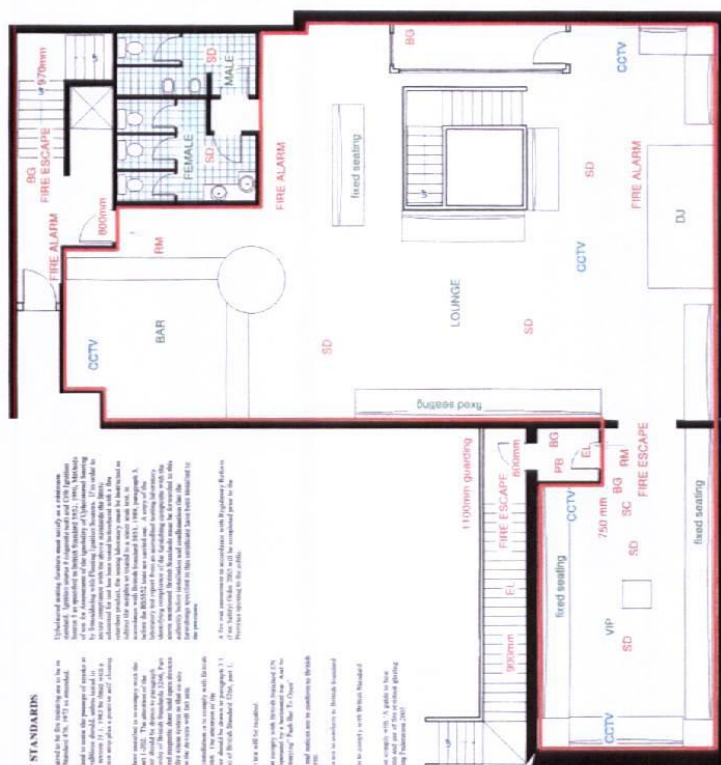
**C.N.A. Risk Management Limited**

Post town

Postcode

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

[illegible]

## LIST OF TENS FOR SOIREE LOUNGE

DATE	COMMENTS
Saturday 8 <sup>th</sup> April 2017	22:00hrs to 04:00hrs
Saturday 16 <sup>th</sup> April 2017	22:00hrs to 04:00hrs
Saturday 22 <sup>nd</sup> April 2017	22:00hrs to 04:00hrs
Sunday 30 <sup>th</sup> April 2017	22:00hrs to 04:00hrs
Saturday 6 <sup>th</sup> May 2017	22:00hrs to 04:00hrs
Saturday 13 <sup>th</sup> May 2017	22:00hrs to 04:00hrs
Saturday 20 <sup>th</sup> May 2017	22:00hrs to 04:00hrs
Saturday 27 <sup>th</sup> May 2017	22:00hrs to 04:00hrs

# SOIREE LOUNGE

EVENTS RISK ASSESSMENT  
FOR AN EVENT CALLED

**‘SOIREE’**

BEING HELD ON

SATURDAY 8<sup>TH</sup> APRIL 2017

PREPARED BY  
C.N.A. RISK MANAGEMENT LTD

# SOIREE LOUNGE

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# SOIREE LOUNGE

EVENTS RISK ASSESSMENT  
FOR AN EVENT CALLED

**‘SOIREE’**

BEING HELD ON

SATURDAY 8<sup>TH</sup> APRIL 2017

## 1. INFORMATION

<b>INFORMATION PROVIDED</b>	<p>Information supplied is that the Management at SOIREE LOUNGE are seeking to hold an event called 'SOIREE' on Saturday 8<sup>th</sup> April 2017.</p> <p>The event is an in-house promotion, with a local DJ performing.</p> <p>The attached report together with further documents will provide details of the event, conditions being adhered to, and advice given</p> <p>This event is classed as a 'MEDIUM RISK EVENT'</p>
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## 2. PERSONNEL FROM SOIREE LOUNGE

<b>OPERATING COMPANY</b>	TMR 2016 LIMITED
<b>DPS OF SOIREE LOUNGE</b>	Stefan KRUETER

## CONTRACTORS INVOLVED

<b>SECURITY PROVIDERS</b>	Clint (BEVA) DUNKLEY (Director):  MORE SECURE LIMITED 73 St Thomas Road Erdington Birmingham B23 7RQ
<b>RISK ASSESSOR &amp; LICENSING CONSULTANT TO THE VENUE</b>	Carl MOORE (Director). C.N.A. RISK MANAGEMENT Ltd

### 3. DETAILS OF EVENT

<b>VENUE/S</b>	<ul style="list-style-type: none"> <li>• SOIREE LOUNGE</li> <li>• Ground &amp; First Floor of Premises</li> </ul>
<b>DATE/S</b>	<ul style="list-style-type: none"> <li>• Saturday 8<sup>th</sup> April 2017 through to Sunday 9<sup>th</sup> April 2017</li> </ul>
<b>OPENING HOURS</b>	<ul style="list-style-type: none"> <li>• 10:00pm to 4.00am</li> </ul>
<b>ENTRANCE</b>	<ul style="list-style-type: none"> <li>• The entrance being used is situated on the ground floor of the premises in Fleet Street</li> </ul>
<b>ADDMISION</b>	<ul style="list-style-type: none"> <li>• Advanced Guest List Only</li> <li>• Strict ID guidelines will be adhered to</li> <li>• ID SCANNER will be in use</li> </ul>
<b>LAST ADMISSION</b>	<ul style="list-style-type: none"> <li>• 1.00am</li> </ul>
<b>TYPE OF CUSTOMER</b>	<ul style="list-style-type: none"> <li>• 30 - 50yrs age range</li> <li>• Guests will be Business friends and associates</li> </ul>
<b>TYPE OF MUSIC</b>	<ul style="list-style-type: none"> <li>• Mixture of Commercial RnB &amp; House</li> </ul>
<b>DRESS CODE</b>	<ul style="list-style-type: none"> <li>• Smart/Casual</li> </ul>
<b>ANTICIPATED NUMBERS</b>	<ul style="list-style-type: none"> <li>• 120 - 150</li> </ul>
<b>ETHNIC GROUPS</b>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<b>CAPACITY OF PREMISES</b>	<ul style="list-style-type: none"> <li>• SOIREE LOUNGE: 220</li> </ul>
<b>DRINKS PROMOTIONS</b>	<ul style="list-style-type: none"> <li>• The management will be aware not to encourage binge drinking.</li> </ul>
<b>PUBLICISING THE EVENT</b>	<ul style="list-style-type: none"> <li>• Invite Only</li> </ul>
<b>TICKETS</b>	<ul style="list-style-type: none"> <li>• No Tickets, Guest List Only</li> </ul>

#### 4. DETAILS OF DJ's

DJ	PHOTO	DETAILS/COMMENTS (If Required)
ADAM (DJ VIP) THAW		Name: Adam THAW Date of Birth:( Address: Information: Adam is an in-house DJ

## 5. SECURITY DEPLOYMENT FOR SOIREE LOUNGE

8 SIA TRAINED DOOR SUPERVISORS FOR SOIREE LOUNGE	
DEPLOYMENT AREAS	SECURITY DEPLOYMENT
<b>Search Team &amp; Security at Main Entrance:</b> (Door supervisor will wear Hi-Vis Security Jackets)	<ul style="list-style-type: none"> <li>• 2 Door supervisors (1 &amp; 2) to control flow of queue will also meet &amp; greet patrons whilst conducting ID, suitability checks and searches. .</li> <li>• They will also maintain a sterile area immediately outside the main doors. Metal barriers will be used for this, and to control queuing.</li> <li>• At the end of the evening door supervisors will be used to direct leaving customers towards marshalled taxi rank in Summer Row</li> </ul>
<b>Reception area of SOIREE LOUNGE :</b> (Door supervisor will wear Hi-Vis Security armbands)	<ul style="list-style-type: none"> <li>• 1 Door supervisor (3) to monitor reception area.</li> <li>• Ensure all persons use the ID scanner</li> <li>• To ensure reception &amp; Cloakroom area is kept clear.</li> <li>• At the end of evening door supervisor will ensure that customers are advised to keep noise to a minimum and to ensure doors in this are kept closed except for egress.</li> </ul>
<b>Main Staircase – Between Floors</b> (Door supervisor will wear Hi-Vis Security armbands)	<ul style="list-style-type: none"> <li>• 1 Door supervisor (4) to monitor the main staircase between ground and first floor.</li> <li>• To ensure staircase is kept clear.</li> <li>• To assist either door supervisors on ground/first floor.</li> <li>• To identify potential hotspots in this area</li> <li>• To identify levels of drunkenness</li> </ul>
<b>First Floor Room:</b> (Door supervisors will wear Hi-Vis security armbands)	<ul style="list-style-type: none"> <li>• 1 Door supervisor (5 &amp; 6) to monitor First Floor.</li> <li>• To ensure stairs are kept clear.</li> <li>• To ensure that once customers have been served that they move away from the bar area.</li> <li>• To also monitor and identify potential hot spots on first floor.</li> <li>• To identify levels of drunkenness.</li> </ul>
<b>First Floor VIP area near to fire exit :</b> (Door supervisors will wear Hi-Vis security armbands)	<ul style="list-style-type: none"> <li>• 1 Door supervisor (7) in the VIP Lounge and to monitor fire exit to court yard, ensuring no persons uses this exit to egress the premises.</li> <li>• To also monitor Fire exit in this area ensure and maintain escape routes.</li> <li>• To also monitor and identify potential hot spots.</li> <li>• To identify levels of drunkenness.</li> </ul>
<b>Roaming Door</b> (ds)	<ul style="list-style-type: none"> <li>• 1 Door supervisor (8) to monitor both the First Floor and Ground Floor</li> <li>• This Door Supervisors will be a female.</li> <li>• To monitor and identify potential hot spots in premises.</li> <li>• To identify levels of drunkenness.</li> </ul>

## 6. OPERATIONAL/SECURITY ARRANGEMENTS

<b>SECURITY DUTIES</b>	<ul style="list-style-type: none"> <li>• All Door Supervisors will be briefed by their respective Designated Premises Supervisor, as to their duties during their tour of duty at the event.</li> <li>• No door supervisor will be engaged to work at the premises if he/she is not in possession of a current SIA licence.</li> <li>• No door supervisor will be engaged to work at the premises if the management at SOIREE LOUNGE are not supplied with a current profile of the Door supervisors.</li> </ul>
<b>SEARCHING</b>	<ul style="list-style-type: none"> <li>• SOIREE LOUNGE will operate random searches for those entering the premises, which will include the use of a hand held search device.</li> </ul>
<b>EJECTIONS FROM THE PREMISES</b>	<ul style="list-style-type: none"> <li>• All ejections will be conducted via the front entrance of SOIREE LOUNGE.</li> <li>• No other exit will be used, as they are deemed impractical and unsafe for various reasons.</li> </ul>
<b>IDENTIFICATION</b>	<ul style="list-style-type: none"> <li>• 'Challenge 25' will be adopted, and only the following ID documents will be accepted as proof of age. PASSPORT/DRIVING LICENCE.</li> <li>• ID SCANNER will be in use</li> </ul>
<b>CAMERAS</b>	<ul style="list-style-type: none"> <li>• The venue is equipped with CCTV, as per previous license conditions.</li> </ul>
<b>TOILETS</b>	<ul style="list-style-type: none"> <li>• Toilets will be checked periodically by door supervisors.</li> </ul>
<b>RADIO COMMUNICATION</b>	<ul style="list-style-type: none"> <li>• Radio's will be issued to all door &amp; bar supervisors who in turn will be able to contact any door /bar supervisor or management in the premises</li> </ul>
<b>SMOKING AREA</b>	<ul style="list-style-type: none"> <li>• No smoking area</li> </ul>
<b>FIRST AID</b>	<ul style="list-style-type: none"> <li>• There will be a trained first aider on duty on the premises during this event</li> </ul>
<b>INCIDENT REGISTER</b>	<ul style="list-style-type: none"> <li>• All incidents will be recorded in the premises Incident register</li> </ul>
<b>REFUSALS REGISTER</b>	<ul style="list-style-type: none"> <li>• A refusals register will be in place to record all refusals of alcohol at both of the Bar serveries.</li> </ul>
<b>TAXI's</b>	<ul style="list-style-type: none"> <li>• The management have entered into a contract to use a specific taxi company who will be providing two taxi Marshalls. (Please See Dispersal Policy)</li> </ul>

## 6. OPERATIONAL/SECURITY ARRANGEMENTS

<b>DRUGS POLICY</b>	<p>SOIREE LOUNGE have an absolute "Zero Tolerance" in relation to misuse of Drugs.</p> <p>a). Persons suspected of being in possession of unlawful drugs will be asked to submit to a search prior to entering the premises. If they decline the search, they will not be permitted access.</p> <p>b). Any person within the premises suspected of being in possession of unlawful drugs will be asked to submit to a search. If they decline they will be removed from the premises. Any "minor" possession (as per guidelines i.e. non dealing quantity) discovered under these circumstances will lead to the suspect drugs being seized and the person in possession and anyone accompanying him/her being refused entry.</p>
<b>NOISE ISSUES</b>	<ul style="list-style-type: none"><li>• The owners/management of SOIREE LOUNGE have an acoustics report dated March 2016.</li><li>• Recommendations in this report will be adhered to.</li><li>• <b><i>The Management at SOIREE LOUNGE will be liaising with Environmental Health officers to ensure the correct noise limiter is fitted and calibrated to their requirement.</i></b></li></ul>
<b>DPS AREA OF RESPONSIBILITY</b>	<ul style="list-style-type: none"><li>• The DPS is ultimately responsible for his premises and ensuring all conditions of this risk assessment are adhered to.</li><li>• The DPS will adhere to attached conditions at <b>Appendix B</b></li><li>• He is fully aware of his responsibilities.</li><li>• The DPS for SOIREE LOUNGE will make periodic visits to the front entrance ensuring correct supervision of the door supervisors.</li></ul>

## 7. DETAILS OF POTENTIAL RISK FACTORS

<b>VIOLENCE towards floor &amp; Bar Staff, Security &amp; members of Public</b>	<ul style="list-style-type: none"> <li>• All staff will have received training in the four licensing objectives.</li> <li>• All members of staff will be briefed prior to the event on possible dangers.</li> <li>• Each bar will have a supervisor on it that will have radio communication with security and management.</li> <li>• Staff will be trained to spot potential trouble makers &amp; to defuse potential tense situations if safe to do so.</li> <li>• CCTV will be in working order, and have a recording facility of 31 days.</li> <li>• All incidents will be entered into an incident register/book.</li> <li>• Overcrowding will not be permitted in any area of the venue. Door supervisors &amp; Management will ensure this is the case.</li> <li>• Drink will not be sold to any person who appears to show signs of drunkenness.</li> <li>• Glass collectors will be used to keep the venue clear of empty glasses, and to keep the venue clean &amp; safe from spillages.</li> </ul>
<b>DRUNKENNESS issues</b>	<ul style="list-style-type: none"> <li>• All staff will have received training on how to spot a member of the public who appears to be drunk and how to deal with them.</li> <li>• If members of the public appear to be drunk then refusal of any further drinks will be made.</li> <li>• If improper behaviour is being displayed, ejection from the venue will be made.</li> </ul>
<b>QUEUING arrangements</b>	<ul style="list-style-type: none"> <li>• Customers arriving at the venue will be ushered into a single queue.</li> </ul>
<b>UNSUITABLE CLIENTILE</b>	<ul style="list-style-type: none"> <li>• Customers who turn up at the venue but are not suitably dressed for SOIREE LOUNGE will be politely refused entry.</li> </ul>
<b>SLIPS/TRIPS HAZARDS inside premises</b>	<ul style="list-style-type: none"> <li>• All stairs are fitted with handrails.</li> <li>• All carpet flooring is in good condition.</li> <li>• There is adequate lighting on all stairs/steps.</li> <li>• Staff have been identified to clean any spillages as soon as they have occurred.</li> <li>• Staff will have been instructed how to clean the spillage up as per Health &amp; Safety instructions.</li> </ul>

## 8. ADVICE

<b>ADVICE GIVEN TO Mr Stefan KRUETER</b>	<p>Mr Stefan KRUETER the Designated Premises Supervisors, is aware that there is a potential risk in holding any event, however, with all parties subject to this risk assessment complying with all conditions, then the risks can all but be eliminated</p> <p>The DPS has been advised by CNA Risk Management after consultation with, the Security Provider, and the Police that all conditions in the following documents are to be met before the event is allowed to go ahead.</p> <p>The conditions to be satisfied are in the following documents.</p> <ul style="list-style-type: none"><li>▪ <b>Conditions in this Events Risk assessment report</b></li><li>▪ <b>Fire Risk Assessment for Premises</b></li><li>▪ <b>Dispersal Policy – Appendix A</b></li><li>▪ <b>List of suitable Conditions - Appendix B</b></li></ul>
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## 9. CONDITIONS

<b>DRUGS POLICY</b>	To be fully adhered to
<b>EVENTS RISK ASSESSMENT REPORT</b>	To be fully adhered to
<b>FIRE RISK ASSESSMENT REPORT</b>	To be fully adhered to
<b>DISPERSAL POLICY - APPENDIX B</b>	To be fully adhered to
<b>CONDITIONS IN APPENDIX B</b>	To be fully adhered to
<b>VARIATIONS OF CONDITIONS IN EVENT RISK ASSESSMENT REPORT</b>	Any variation regarding the conditions in the Event Risk Assessment report will only be changed after consultation with the DPS, and CNA Risk Management Ltd.

### PLEASE NOTE

This Event Risk Assessment document has been prepared by C.N.A. Risk Management from information supplied by the following: The DPS, security Provider MORE SECURE and the Management, and is based solely on the information provided by those parties. West Midlands Police will be made aware of this event.

**C.N.A.RISK MANAGEMENT LTD DO NOT ACCEPT ANY LEGAL, FINANCIAL OR OTHER RESPONSIBILITY FOR ANY ACTION UNDERTAKEN BY THEM OR THEIR SERVANTS IN PREPARATION OF THIS EVENTS RISK ASSESSMENT OR OUTCOMES RESULTING FROM SAME**



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Appendix A

**DISPERSAL POLICY**

FOR

**SOIREE LOUNGE**

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The Dispersal Procedure is specifically for the premises of THE SOIREE LOUNGE.

## **INTRODUCTION**

It is acknowledged by the management at SOIREE LOUNGE that there may be a potential conflict between a licensee's legitimate right to provide entertainment and other services and the equally legitimate right of neighbours to enjoy their homes and businesses without disturbance.

SOIREE LOUNGE also acknowledges that popular venues are potential sources of nuisance, antisocial behaviour and crime which may create concern for the immediate neighbourhood, its residents and the relevant authorities. It is therefore a policy for SOIREE LOUNGE to prepare and adhere to management protocols including this Dispersal Policy to set out practices and procedures to achieve this.

## **SCOPE**

The Dispersal Procedure is not an Emergency Evacuation Procedure. Its purpose is to set out operational standards to be adopted by the management of the premises around the terminal hour dedicated to ensure all practicable efforts are made to ensure that the premises or its patrons do not undermine the Public Nuisance Licensing Objective.

The Policy lays down guidelines to the senior staff to assist patrons to depart the premises and its immediate area in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour and crime.

The Dispersal Procedure is subject to review by the Designated Premises Supervisor on a regular basis and will address problems and concerns as they are identified in order to establish a permanent reduction or elimination. Consultation with local authorities and residents groups will be undertaken during the review of the policy.

## DISPERSAL POLICY

	RISK	ACTION/POLICY
1	Final 30 minutes	<ul style="list-style-type: none"> <li>During the last hour of trading the service points in each area will be reduced and certain staff re allocated to collecting glasses or offering customer service in the cloakroom to assist customer departure.</li> </ul>
2	Lobby Doors	<ul style="list-style-type: none"> <li>The lobby doors at the entrance will be shut to prevent any noise traveling outside.</li> </ul>
3	Smoking Procedure	<ul style="list-style-type: none"> <li>No Smoking areas</li> </ul>
4	End of Evening	<ul style="list-style-type: none"> <li>During the last half hour of trading the volume levels, type of music played and usage of lighting levels will be changed to become slower and gentler to encourage the gradual dispersal of patrons during the last part of trading and during the drinking-up period.</li> <li>DJ announcements will be used to both encourage a gradual dispersal and to remind customers of consideration for neighbours.</li> <li>Announcements made in relation to marshalled taxi rank in Summer Row</li> <li>The management and stewarding procedures will support this aim.</li> </ul>
5	Notices at Exit	<ul style="list-style-type: none"> <li>In line with company policies, highly visible notices will be in place in the foyer requesting exiting customers to leave quietly and to respect neighbours and their property.</li> </ul>
6	Closure Of Areas	<ul style="list-style-type: none"> <li>During the final hour, customers will disperse gradually, we will encourage this by closing certain areas (capacity pending), this helps with keeping atmosphere to a maximum and encourages a natural dispersal.</li> </ul>

	RISK	ACTION/POLICY
7	Door Supervisors:	<ul style="list-style-type: none"> <li>The following Practices will be developed.</li> <li>Encourage customers to drink-up and progress to the exit throughout the drinking-up time</li> <li>Draw the attention of exiting customers to the notices in the foyer and ask them to be considerate;</li> <li>Direct customers away from the immediate area, directing people towards the taxi rank.</li> <li>Door supervisors will assist Taxi Marshalls and direct exiting customers away from the premises in an orderly fashion</li> </ul>
8	Taxis	<ul style="list-style-type: none"> <li>Door staff will direct departing customers left out of the exit doors towards the marshalled taxi rank unless customers are parked elsewhere or are staying at local hotels.</li> <li>Two taxi marshals from the contracted taxi company will be on hand to usher customers towards the taxi rank in summer row.</li> <li>Customers will be able to board taxis in this location without disturbing local residents opposite the venue.</li> </ul>
9	Female Customers:	<ul style="list-style-type: none"> <li>To avoid lone females or vulnerable customers leaving into areas unknown to them, a safe area within the foyer will be provided for female customers to wait for their form of transport home.</li> <li>A Female door supervisor will attend to any lone or vulnerable female. This will be recorded</li> </ul>
10	Staff	<ul style="list-style-type: none"> <li>Consideration will be given to procedures for staff departures</li> </ul>
11	Training:	<ul style="list-style-type: none"> <li>SOIREE LOUNGE is committed to providing full training to its staff.</li> <li>Training at all levels will be conducted to ensure understanding and implementation of the unit specific Dispersal Procedure.</li> <li>All staff will receive induction training in all areas relevant to their legal responsibilities and assistance with dispersal this will be followed up with monthly refresher training including fire procedures and dispersal procedures.</li> </ul>

	RISK	ACTION/POLICY
12	Queuing arrangements in Fleet Street	<ul style="list-style-type: none"> <li>• Queuing will be kept to a minimum and will form up from the front entrance towards Newhall Street.</li> <li>• Door supervisors will be monitoring the queue and turning away customers who do not meet the criteria for entering SOIREE LOUNGE.</li> <li>• Door supervisors will also be encouraging customers to keep noise to a minimum.</li> </ul>

## Appendix B

# LIST OF SUITABLE CONDITIONS FOR SOIREE LOUNGE

OBJECTIVE	CONDITION
GENERAL	The premises shall operate a CCTV system which will be operated and maintained to the reasonable satisfaction of West Midlands Police. Images to be retained for a minimum of 31 days and made available to the responsible authorities upon reasonable request.
GENERAL	The premises shall keep an incident register, which will document any incidents involving crime and disorder or public nuisance.
GENERAL	Staff shall be trained in their responsibilities under the Licensing Act 2003 and training records shall be maintained and produced to the Police and Licensing Authority upon request.
GENERAL	Suitably experienced person(s), shall be employed at all times whilst entertainment is being provided and shall take all reasonable steps to ensure that patrons do not cause a nuisance in the vicinity of the premises.
CRIME	The premises shall operate a search policy, drugs policy, lost property policy, dispersal policy and an ejection policy. All staff shall be trained on the policies and ensure compliance with the policies at all times.
CRIME	The Premises Licence holder will ensure that when Door Supervisors are deployed, they will be in High Visibility coats/jackets when outside, and reflective tabards inside. Door Supervisors are to sign on and off duty every night, the signing in sheet to include their full name and full SIA badge number. Door Supervisors profiles to be retained on the premises for every Door Supervisor that is working at the premises or has done in the last 6 months. Profiles to be proof of identity (copy SIA badge, passport or photo driving licence) and proof of address dated in the last 6 months (utility bill, bank statement or other government letter). Profiles to be made available immediately on request to any Responsible Authority.
NUISANCE	Clear legible notices shall be displayed at all exits / entrances to the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
NUISANCE	Patrons shall not be permitted to use the frontage of the premises on Fleet Street to smoke or consume drinks.
NUISANCE	Patrons shall not be permitted to congregate outside of the front of the premises.

OBJECTIVE	CONDITION
NUISANCE	The premises licence holder / Designated Premises Supervisor shall ensure that a written agreement is made with reputable taxi company to ensure that when taxis pick-up and drop-off patrons at the premises, that noise from these vehicles does not cause a nuisance to local residents. Patrons who require a taxi shall be advised to use the nominated company.
NUISANCE	Bottle bins not to be emptied after 22:00 hours or before 08:00 hours.
NUISANCE	No deliveries to the premises to be permitted after 18:00 hours or before 08:00 hours.
NUISANCE	Save for access/egress, all doors and windows shall remain closed during regulated entertainment in the premises.
NUISANCE	Uniformed Marshalls to be engaged to direct customers away from residential properties when leaving the premises and to ensure customers do not congregate in Fleet Street
NUISANCE	There shall be no regulated entertainment in the external areas at any time.
NUISANCE	There will be no access to the premises from the rear of the building.
CHILD	All staff shall be trained on the proof of age scheme in operation at the premises including the acceptable forms of ID.
CHILD	ID SCANNER is fitted and will be in use



# OPERATIONAL PLAN FOR SOIREE LOUNGE

TITLE	INFORMATION
PREMISES NAME	SOIREE LOUNGE
ADDRESS	UNIT 2, 5-11 FLEET STREET BIRMINGHAM B3 1JP
PREMISES LICENSE HOLDER	
DESIGNATED PREMISES LICENSE HOLDER	
INDEPENDENT RISK ASSESSOR & OPERATING CONSULTANTS	C.N.A RISK MANAGEMENT LTD

## DESCRIPTION OF PREMISES, USAGE AND GENERAL OPERATION

SOIREE LOUNGE is a Medium sized bar, comprising of two floors at ground and first floor. A single entrance to the front directly onto pavement. The venue is currently un-licensed having had a Premises License revoked in the early part of 2016. The venue has secured two TENS and will be looking to apply for a new premises license. The venue provides a nightclub scenario.

The Operating Company fully understands its responsibility to promote the four Licensing Objectives via its Operational Plan i.e.:

**Prevent Crime and Disorder**

**Public Safety**

**Protection of Children from harm**

**Prevention of Public Nuisance**

The Plan reflects the nature of the premises, the type and time of events/entertainment being provided together with associated risk. The premise has a State of the art CCTV system installed, it will be constantly monitored whilst the premises are open.

All events requiring them will be subject of individual Risk Assessment. The services of a wholly independent, experienced Risk Assessment company will be employed to undertake such Assessments, lodging same with Police at the required time commensurate with any identified Risk.

Where the presence of Door Supervisors is necessary, they will be provided by a wholly independent company fully, SIA registered using only SIA registered staff in appropriate numbers identified by Risk Assessment.

SOIREE LOUNGE will have a zero tolerance attitude to drugs, operating a Drugs Policy in strict compliance with the Local Police Drugs Policy.

## 1. DOOR STAFF

ISSUE	OPERATIONAL POLICY
<b>Numbers</b>	<ul style="list-style-type: none"> <li>Where Risk Assessment/Local Policing Policy dictates that door staff are required, the numbers utilised will be in compliance with local police policy AND in compliance with independent Risk Assessment</li> </ul>
<b>Training &amp; Registration</b>	<ul style="list-style-type: none"> <li>Security Provider will be registered with SIA.</li> <li>Only fully trained and SIA registered staff will be used at the venue</li> <li>Whilst not directly employed by Soiree Lounge, door staff have a pivotal role in promoting the 4 Licensing Objectives for which the premises operator bears responsibility.</li> <li>Any individual door supervisor will only be permitted to perform duty at the premises with the approval of Soiree Lounge Management</li> </ul>
<b>Dress and Identification</b>	<ul style="list-style-type: none"> <li>Door staff will be smart and well presented, being clearly identifiable both at entrances/exits and within the premises.</li> <li>When performing duty at entrances/exits or outside the premises, door staff will wear high visibility jackets.</li> <li>Within the premises, they will wear high visibility arm bands.</li> <li>They will wear their SIA badges and advise Club Management of their SIA registered number upon request.</li> </ul>
<b>Promotion of Licensing Objectives</b>	<ul style="list-style-type: none"> <li>Any queue forming outside the premises will be monitored by door staff to prevent nuisance and to give early identification of individuals or groups who will not be permitted access to the premises.</li> <li>Door staff undertaking such function will use at least one body cam to assist that function at the entrance being used</li> <li>Individuals who are drunk, disorderly or both will not be permitted access to premises</li> <li>Search facilities including metal scanners will be available at the entrance when identified as necessary by Risk Assessment.</li> <li>Persons suspected of being unlawfully in possession of drugs will be searched.</li> <li>Door staff will understand that only the Police have right to search without consent BUT any person declining being searched by door staff will not be granted access to the premises</li> <li>Door staff will be sited throughout interior of premises as dictated by Risk Assessment. They will identify and prevent disorderly behaviour, ensuring the departure of patrons from premises who are drunk, disorderly or both. They will apprehend any offender suspected of criminal activity, placing same in sterile detention area provided for this purpose and notifying the police</li> </ul>

# 1. DOOR STAFF – CONTINUED

ISSUE	OPERATIONAL POLICY
	<ul style="list-style-type: none"> <li>• Door staff will strictly enforce and comply with Soiree Lounge Drugs Policy</li> <li>• Number of patrons entering and leaving the premises will, when dictated by Risk Assessment, be constantly monitored to ensure number of patrons within venue is known and complies with any restriction</li> <li>• Conduct of patrons leaving the premises will be monitored to minimise potential nuisance. Similarly, conduct of general public in vicinity will be monitored and Police advised of inappropriate behaviour/unlawful activity</li> </ul>
<b>Queuing</b>	<ul style="list-style-type: none"> <li>• Management policy is to keep queuing to an absolute minimum. Any queuing at Fleet Street entrance will be towards Summer Row</li> </ul>
<b>Dispersal Policy</b>	<ul style="list-style-type: none"> <li>• See dispersal Policy</li> </ul>

## 2. CLOSED CIRCUIT TV SYSTEM

ISSUE	OPERATIONAL POLICY
<b>Type of system</b>	<ul style="list-style-type: none"> <li>• "State of the Art" system installed. Will comply with requirements of Police/Home office in its ability to digitally store images of evidential quality (where required) on a 31 day rolling system.</li> <li>• Viewing and recording equipment installed in "operations room" subject of constant monitoring by trained SIA registered operative</li> </ul>
<b>Location and number of cameras</b>	<ul style="list-style-type: none"> <li>• Location, number and type of cameras has been dictated by wholly independent experienced Risk Assessment company</li> <li>• Fixed camera will be placed on the outside of the premises at each entrance with the ability to monitor any queue</li> <li>• Additionally, when Risk assessment dictates the requirement, "Bodycams" will be used at each entrance by door staff to augment the fixed camera monitor any queue. These cameras will be of Home Office approved type with ability to digitally store and download images of evidential quality</li> <li>• Cameras will be sited within each entrance to permit facial image of each person entering club to be seen and recorded. Similar cameras will be strategically placed throughout the premises</li> <li>• Number of cameras and their location within premises will ensure there are no "blackspots" permitting unlawful activity being unobserved. Coverage will include all rooms, passageways and other areas to which public have access.</li> </ul>
<b>Use of images by other parties</b>	<ul style="list-style-type: none"> <li>• Digital recording equipment ensuring all images are capable of being downloadable in format required by other parties e.g. police</li> </ul>

### 3. COMMUNICATION EQUIPMENT

ISSUE	OPERATIONAL POLICY
<b>Nature of system</b>	<ul style="list-style-type: none"> <li>• Personal radios will be provided by Club Management.</li> <li>• When present on site, all door staff will be provided with personal radios permitting their being able to communicate with each other, their Management on site and Club Management</li> <li>• Radio checks will be undertaken before usage. Batteries will be regularly charged to permit proper usage. Spare radios will be available in case of breakdown</li> </ul>
<b>System requirement</b>	<ul style="list-style-type: none"> <li>• To permit rapid internal response to any issue/potential issue e.g. disorder, criminality or medical emergency.</li> <li>• To permit notification to Police of any issue requiring their attendance.</li> <li>• To permit notification of police/other local venues of intelligence re activity of individuals or groups at or near venue</li> </ul>

### 4. FIRST AID FACILITIES

ISSUE	OPERATIONAL POLICY
<b>Welfare of staff and patrons</b>	<ul style="list-style-type: none"> <li>• Appropriate members and numbers of staff First Aid trained</li> <li>• In addition to First Aid boxes being strategically placed within premises, a properly equipped room devoted solely to First Aid provision is available at the premises</li> <li>• If dictated by Event Risk Assessment, fully trained and qualified paramedic will be present on premises</li> </ul>

## 5. DRINKING POLICY

ISSUE	OPERATIONAL POLICY
<b>Underage drinking</b>	<ul style="list-style-type: none"><li>• Under 18s will NOT be permitted entrance to any event where Liquor is being sold.</li><li>• Challenge 25 is in place</li><li>• In any case of doubt, patron will be required to produce photographic identification confirming identity and age</li><li>• ID scanner will be in use at premises.</li></ul>
<b>Excessive drinking</b>	<ul style="list-style-type: none"><li>• There will be no encouragement of excessive drinking by irresponsible sale of cheap or promotional drinks</li></ul>
<b>Availability of soft drinks and water</b>	<ul style="list-style-type: none"><li>• Soft drinks and water will be readily available to all patrons</li></ul>
<b>Drunkenness</b>	<ul style="list-style-type: none"><li>• Patrons who appear to be drunk when attempting to enter the premises will not be granted access</li><li>• Patrons who appear to be drunk when on the premises will not be served further alcohol. If necessary, the First Aid room can be utilised to assist care of drunken individuals. Ambulance will be summoned if appropriate</li></ul>
<b>Glassware</b>	<ul style="list-style-type: none"><li>• Where dictated by Risk Assessment, glass or Polycarbonate drinking glasses will be used at events.</li></ul>

## 6. DRUGS POLICY

ISSUE	OPERATIONAL POLICY
<b>General Drugs Issue</b>	<ul style="list-style-type: none"> <li>• Second City Suite has an absolute “zero tolerance” in relation to Misuse of Drugs. This fact will be emphasised by signage at premises and within any promotional literature</li> </ul>
<b>Compliance with local policing Drugs Policy</b>	<p>Full compliance:</p> <ul style="list-style-type: none"> <li>• Persons suspected of being in possession of unlawful drugs will be asked to submit to search prior to entering premises. If they decline search, they will not be permitted access.</li> <li>• Any person within premises suspected of being in possession of unlawful drugs will be asked to submit to search. If they decline, they will be removed from the premises</li> <li>• Any “minor” possession (as per guidelines, i.e. non dealing quantity) discovered under these circumstances will lead to the suspect drugs being seized</li> <li>• If dealing quantity is discovered, the individual will be detained and the police called</li> <li>• Where individuals are suspected of being involved in drug dealing but no evidence is available, best efforts will be made to identify the individual and intelligence will be passed to police</li> <li>• Seized drugs will be logged and stored in compliance with local police policy</li> </ul>
<b>Discouragement of Drug abuse</b>	<ul style="list-style-type: none"> <li>• Within promotional literature and club signage</li> <li>• Regular visits and inspection of toilets</li> </ul>



## 7. INCIDENT HANDLING

ISSUES	OPERATIONAL POLICY
<b>Recording of Incidents</b>	<ul style="list-style-type: none"><li>• An Incident Register will be maintained. It will be kept in the by the ID scanner and any noteworthy incident will be as soon as practicable be fully logged in same.</li><li>• All entries will be clearly legible and show specific time of occurrence.</li><li>• Register will be made available to all responsible authorities, permitting their extraction of any appropriate detail</li></ul>
<b>Incident Analysis</b>	<ul style="list-style-type: none"><li>• Independent consultants will support staff in making best efforts to prevent and deter recurrence of untoward incidents.</li></ul>
<b>Preservation of Crime Scenes</b>	<ul style="list-style-type: none"><li>• In the unlikely event of serious incident requiring scene preservation pending police attendance, Independent consultants will again support staff as appropriate</li></ul>
<b>Police Liaison</b>	<ul style="list-style-type: none"><li>• Regular liaison with police will be encouraged to ensure cross-reference of venue related incidents</li></ul>

## Appendix 6

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**From:** Licensing  
**Subject:** RE: Soiree Lounge Proposed Conditions from Environmental Health

**From:** Paul R. Samms  
**Sent:** Friday, July 14, 2017 1:04 PM  
**To:** Carl Moore  
**Cc:** Licensing  
**Subject:** RE: Soiree Lounge Proposed Conditions from Environmental Health

All,

On the basis of the conditions the applicant has agreed to in the email string below, I confirm that I will not be making a representation.

Regards,

Paul Samms  
Environmental Protection Officer

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

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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>

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**From:** Carl Moore  
**Sent:** Friday, July 14, 2017 11:45 AM  
**To:** Paul R. Samms  
**Subject:** Re: Soiree Lounge Proposed Conditions from Environmental Health

Hi Paul,

The following condition my client accepts:

**The premises cannot be accessed via the restaurant or be linked through a joint event with the restaurant. Whilst the Club is open, the back fire exit will not be used for access and egress at any time, except for in an emergency.**

Regards

carl

**Carl Moore**  
Director  
C.N.A. Risk Management Ltd

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**From:** Paul R. Samms  
**Sent:** Friday, July 14, 2017 9:37:44 AM  
**To:** Carl Moore  
**Subject:** RE: Soiree Lounge Proposed Conditions from Environmental Health

Hi Carl,

I accept what you have indicated below with the exception of my re-wording of condition 5

Please let me know if this final list of re-worded conditions is acceptable.

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

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**From:** Carl Moore

**Sent:** Friday, July 14, 2017 8:48 AM

**To:** Paul R. Samms

**Subject:** Soiree Lounge Proposed Conditions from Environmental Health

Dear Paul,

My clients have spent time considering your proposed conditions below and here are there thoughts:

### **Suggested Conditions - Soiree**

1. A Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the amplification system and set at a pre-set volume level agreed with the Environmental Protection Section, 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 Section 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 connected to the back fire exit so that the music is switched off if the back exit is opened. It shall also be capable of maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit.
  - c) The NLD shall also be capable of setting pre-set levels for each of the bass frequencies.
  - 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.

**The above condition is accepted**

2. Patrons shall not be permitted to use the external areas (including the frontage) of the premises to smoke or consume drinks.

**The above condition is accepted**

3. Patrons shall not be permitted to congregate outside the front, side or back of the premises.

**The above condition is accepted**

4. Clearly legible notices shall be displayed at the exits/entrance of the premises requesting that patrons respect the needs of nearby residents and leave the premises and area quietly.

**The above condition is accepted**

5. The premises cannot be accessed via the restaurant or be linked through a **joint** event with the restaurant. **Whilst the Club is open, the back fire exit will not be used for access and egress at any time, except for in an emergency.**  
**We would ask that the wording in red is inserted**

6. The DPS 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 public nuisance to local residents. Notices shall be displayed within the licensed premises for customers to view giving details of taxi companies to use.

**The above condition is accepted**

7. Prior to use of the premises for regulated entertainment, noise attenuation works to the premises shall be approved and implemented to the satisfaction of Birmingham City Council Environmental Protection Unit. All such works shall be implemented in accordance with the approved details and thereafter maintained.

**The above condition is accepted**

8. No deliveries to the premises to be permitted after 20:00 hrs or before 08:00hrs.

**The above condition is accepted**

9. There shall be lobbied areas for all external exists/entrances. The lobbied areas shall meet with the approval of Birmingham City Council Environmental Protection Unit.

**The above condition is accepted**

10. The applicant shall submit a dispersion/management plan/s to Birmingham City Council Environmental Health for approval. The plan will outline exactly how the venue will ensure that patrons leaving the venue do not disturb local residents. The plan is to include the number of street marshals and SIA registered doormen needed to implement the plan. Plans will vary depending upon the numbers of patrons expected and the nature of events.

**The above condition is accepted**

11. The Designated Premises Supervisor shall ensure that the approved dispersion/management plan is implemented.

**The above condition is accepted**

12. There shall be no regulated entertainment in the external areas at any time

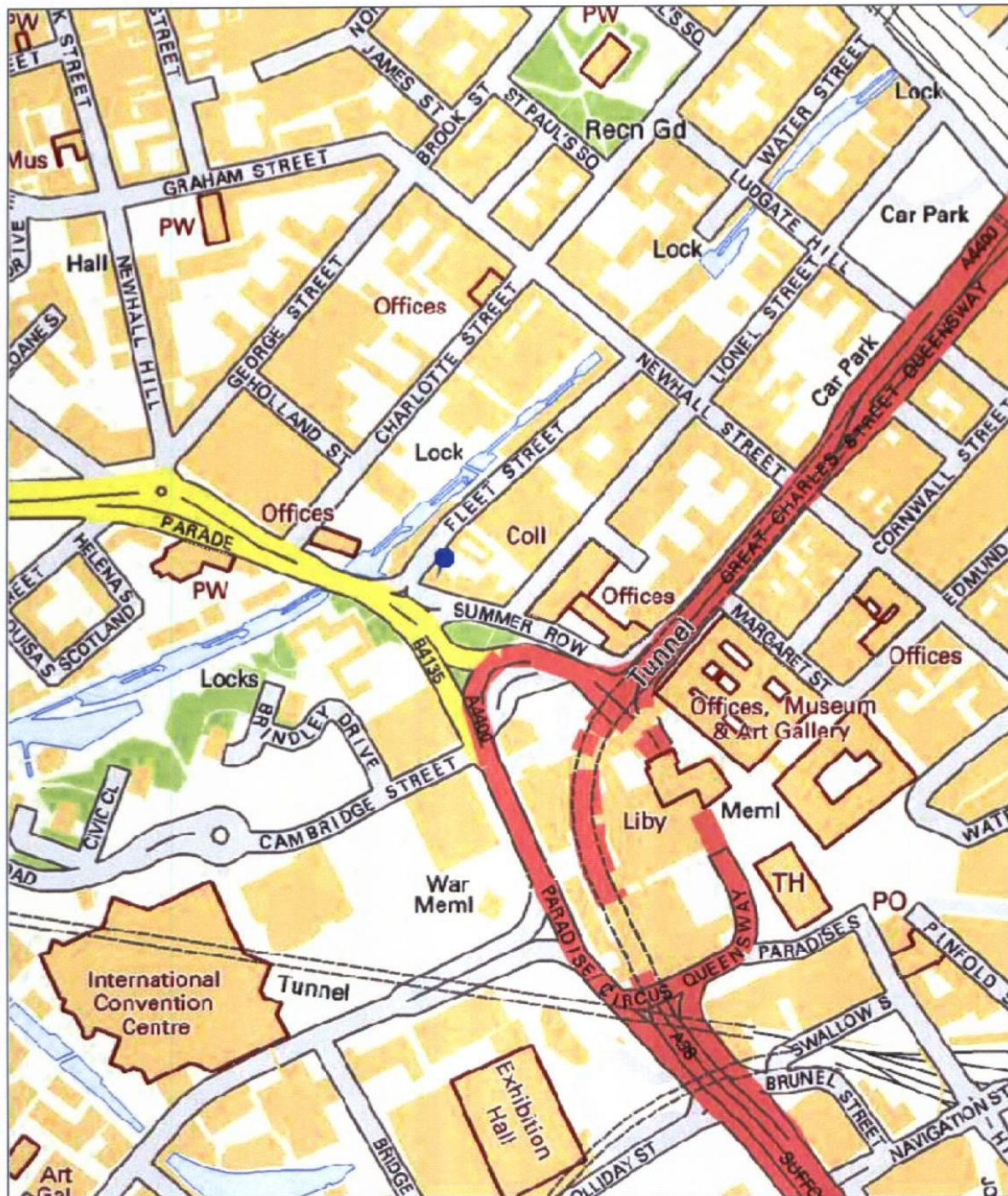
**The above condition is accepted**

Please let me know if the above comments are acceptable.

Regards

Carl

**Carl Moore**  
Director  
C.N.A. Risk Management Ltd



**Birmingham City Council**

Map Created By:

Notes

Date of Map Creation: 26/07/2017



Scale:  
1:4,000

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