

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 25th May 2016
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	178 Soho Hill, Hockley, Birmingham, B19 1AG, (Formerly Faith and Confidence Social Club)
Ward affected:	Lozells and East Handsworth
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider a relevant representation that has been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption on the premises) to operate from 1:00pm until 02:00am (Monday to Thursday) and 1:00pm until 05:00am (Friday to Sunday).

To permit the provision of Regulated Entertainment consisting of recorded music to operate indoors only, from 1:00pm until 02:00am (Monday to Thursday) and 1:00pm until 05:00am (Friday to Sunday).

To permit the provision of Late Night Refreshment to operate from 11:00pm until 02:00am (Monday to Thursday) and 11:00pm until 05:00am (Friday to Sunday).

Premises to remain open to the public from 1:00pm until 02:00am (Monday to Thursday) and 1:00pm until 05:00am (Friday to Sunday).

2. Recommendation:

To consider the representation that has been made and to determine the application.

3. Brief Summary of Report:

An application for a Premises Licence was received on 5th April 2016 in respect of 178 Soho Hill, Hockley, Birmingham, B19 1AG, (Formerly Faith and Confidence Social Club).

A representation has been received from West Midlands Police, as a responsible authority.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

<p>5. Relevant background/chronology of key events:</p> <p>Vernon McKnight applied on 5th April 2016 for the grant of a Premises Licence for 178 Soho Hill, Hockley, Birmingham, B19 1AG, (Formerly Faith and Confidence Social Club).</p> <p>A representation has been received from West Midlands Police, as a responsible authority. See Appendix 1.</p> <p>The application is attached at Appendix 2.</p> <p>Site Location Plans at Appendix 3.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
<p>6. List of background documents:</p> <p>Copy of the representation as detailed in Appendix 1 Application Form, Appendix 2 Site Location Plans, Appendix 3</p>
<p>7. Options available</p> <p>To Grant the licence in accordance with the application. To Reject the application. To Grant the licence subject to conditions modified to such an extent as considered appropriate. Exclude from the licence any of the licensable activities to which the application relates. Refuse to specify a person in the licence as the premises supervisor.</p>

Appendix 1

ENTERED BV

From: Adam Mroczkowski
Sent: 28 April 2016 14:35
To: Licensing
Cc:

Subject: Objection to premises licence application for 178 Soho Hill, Birmingham, B19 1AG

Licensing,

West Midlands Police object to the premises licence application for 178 Soho Hill, Birmingham, B19 1AG.

The application made by Mr Vernon McKnight is very similar to an application made in September 2015 by a Mr Winston Richards for the same premises. This was refused by the Licensing Committee at a hearing. The hours on this application are later than the previous application and the usage and events at the premises also remain the same. A large section of the proposed operating conditions are also identical to the previous application which do not satisfy us that four licensing objectives will be promoted. Intelligence has also been received that Mr McKnight is a front for this application and the real people behind it are the previous operators trying to get back their licence. With the identical conditions, later operating times, and the intelligence we have received it is clear to West Midlands Police who is really behind this application.

This premises has a history of serious incidents involving firearms and gangs which the applicant was apparently unaware of. A meeting has taken place with Mr McKnight and our stance was explained. Suggestions on operating hours, premises usage and operating conditions were communicated to the applicant but we have been unable to agree on these.

This application gives us concern that the four licensing objectives will not be promoted putting the public's safety at risk and creating crime and disorder.

Regards
Adam

Adam Mroczkowski 55096
West Midlands Police
Planning and Licensing Officer
Birmingham West & Central Planning and Licensing Department
Switchboard: 101 Ext 861 3041

Website: <http://www.west-midlands.police.uk/>
Twitter: www.twitter.com/brumlicensing
Facebook: www.facebook.com/westmidlandspolice
YouTube: www.youtube.com/westmidlandspolice
Flickr: www.flickr.com/westmidlandspolice
View all our social media links

To report crime or anti-social behaviour which does not require an emergency response, please call 101. In an emergency, dial 999.

Our vision: Preventing crime, protecting the public and helping those in need

App ref: 95555.

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are 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.

I/We Vernon McKnight

(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		BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED - 01.12.2013 REF NO. <u>£190 c/c payment</u> INITIALS <u>Received via telephone</u>	
178 Soho Hill Birmingham B19 1AG Formally known as Faith and Confidence Social Club			
Post town	Birmingham	Postcode	B19 1AG
Telephone number at premises (if any)	Number to be connected <u>0009458</u> <u>000039</u>		
Non-domestic rateable value of premises	£10,000.00		

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

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

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

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒
- I am making the application pursuant to a
 statutory function or ☐
 a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname McKnight			First names Vernon		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town	Birmingham			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		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address		NOT APPLICABLE, THERE IS ONLY ONE APPLICANT			
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
Address NOT APPLICABLE
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

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

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

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

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

The premises is a three story building with off road parking, it is situated on the Soho Road which is a main commercial area. The premises has previously operated as a social club and has been a well established venue for the community.

The first floor will be used as a meeting room and occasional bar, lounge and dance area mainly for the over forties.

The ground floor will comprise a bar, lounge and general dance area, both the first and ground floor will be used for licencing activities.

The second floor will remain vacant and used as an occasional storage area.

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

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

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

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A) ☐
- 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 (c), (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

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish			Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			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 (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<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> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)			
Thur						
Fri						
Sat			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 (please read guidance note 5)			
Sun						

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) The object of the club shall be to afford to its members the means of social activities, mutual helpfulness, mental and moral improvement and rational recreation. Entertainment will be provided by a DJ playing music for the over fifties on Saturdays and Sundays. Monday to Friday only background music will be played.	
Mon	13.00	02.00	State any seasonal variations for the playing of recorded music (please read guidance note 4) THERE WILL BE NO SEASONAL VARIATIONS	
Tue	13.00	02.00		
Wed	13.00	02.00		
Thur	13.00	02.00		
Fri	13.00	05.00	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 (please read guidance note 5)	
Sat	13.00	05.00	Where we wish the activity to go on longer than that permitted by the authorised schedule, the Premises Licensee of the club will apply for a special licence to cover those activities.	
Sun	13.00	05.00		

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing NOT APPLICABLE		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			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 (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) <i>Already stated under F.</i>		
Mon	23.00	02.00			
Tue	23.00	02.00			
Wed	23.00	02.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.00	02.00			
Fri	23.00	05.00	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 (please read guidance note 5)		
Sat	23.00	05.00			
Sun	23.00	05.00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	13.00	02.00			
Tue	13.00	02.00			
Wed	13.00	02.00			
Thur	13.00	02.00	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 (please read guidance note 5)		
Fri	13.00	05.00			
Sat	13.00	05.00			
Sun	13.00	05.00			

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

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

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>NONE</p>
--

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 6)</p>			<p><u>State any seasonal variations</u> (please read guidance note 4)</p>
Day	Start	Finish	<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 5)</p>
Mon	13.00	02.00	
Tue	13.00	02.00	
Wed	13.00	02.00	
Thur	13.00	02.00	
Fri	13.00	05.00	
Sat	13.00	05.00	
Sun	13.00	05.00	

M

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

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

All staff will be trained on licencing issues
CCTV system with twenty-four hours recording and infra-red camera will be installed and made accessible to the west Midlands police. The premises licence holder will conduct regular reviews on the operating of the club.
SIA registered door supervisor will be used, they will also be required to patrol the premises during opening times. A database of patrons will be established and potential troublemakers barred from the premises.
The DPS will be present at all times

b) The prevention of crime and disorder

We will be implementing challenge 25 and putting in place a search and drug policy, this will be reinforced by having regular staff meetings along with placing notices around the premises. Further, security staff will be required to patrol the premises during opening times.
Patrons entering the premises will be searched with a hand held wand and a security metal detecting system will be instituted at the main entrance door. A membership data base will be introduced, as the intention is to have a membership based facility. Risk assessment for both floors that will be used will be done, the managers of the facility will work closely with the police and comply with any request they make.

c) Public safety

A clicker will be used to control the number of patrons allowed into the building, there will be clearly marked designated fire exit and fire extinguishers as recommended by the fire officer.
Emergency lighting and removal of trip hazards to ensure the total safety of the public. There will be a designated first Aider and fire Marshall on site.
There will be an incident book to record any incident, the contents of which will be used in the training of staff to sharpen their focus, tighten security and improve public safety.

d) The prevention of public nuisance

Music will be kept to a reasonable level with the provision of a noise limiting device.
Doors and windows will be kept shut.
Members will be instructed not to make unnecessary noise when leaving the premises.
There will be notices asking patrons to leave the building quietly and politely.
Door supervisors will oversee the patrons when they are leaving the premises.

e) The protection of children from harm

The management will adhere to the principles underpinned in the Children Act and the Health and safety Act.
All children whilst on the premises will be accompanied by their parents or guardians.
The lounge area will be used to accommodate children during licencing activities and thus ensure that they are away from where beverages are served.
No children will be allowed if there is adult entertainment.
Attendance will be permitted when children activities are taking place.
All children will leave at 21.00hrs on a Sunday.
All the relevant authorities will be informed if required, ie the police, children and health services.

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. ☒

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

Part 4 -- Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	1st March 2016.
Capacity	Applicant

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

Signature	NOT APPLICABLE
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town		Postcode
Telephone number (if any)		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)		

- FIRE EXTINGUISHER



REVISIONS:	RB. 178 SOHO HILL HANDSWORTH PLAN LAYOUT.
	DRG NO. 8/30/11 SCALE 1/8"=1'-0"

Appendix 3



Birmingham City Council Map Created By:

Notes

Date of Map Creation: 05/05/2016



Scale:
1:2,500

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