

CITY OF
WOLVERHAMPTON
COUNCIL

Statutory Licensing Sub-Committee

24 September 2021

Time 10.00 am **Public Meeting?** YES **Type of meeting** Regulatory
Venue Online Meeting

Membership

Chair Cllr Phil Page (Lab)

Labour

Cllr Keith Inston
Cllr Rita Potter

Quorum for this meeting is two Councillors.

Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

Contact Donna Cope, Democratic Services Officer
Tel/Email Tel: 01902 554452 Email: donna.cope@wolverhampton.gov.uk
Address Democratic Services, Civic Centre, 1st floor, St Peter's Square,
Wolverhampton WV1 1RL

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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

Agenda

Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	Apologies for absence
2	Declarations of interest
3	Licensing Act 2003 - Application for a Premises Licence in respect of Rose Garden Banqueting Hall, 295 Parkfield Road, Wolverhampton, WV4 6ED (Pages 3 - 60)

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Statutory Licensing Sub - Committee

24 September 2021

Report title	Licensing Act 2003 - Application for a Premises Licence in respect of Rose Garden Banqueting Hall, 295 Parkfield Road, Wolverhampton, WV4 6ED	
Wards affected	Blakenhall	
Accountable director	Ross Cook, Director of City Housing and Environment	
Originating service	Licensing	
Accountable employee	Debra Craner	Section Leader
	Tel	01902 556055
	Email	Debra.Craner@wolverhampton.gov.uk

Recommendation for decision:

1. To submit for consideration by the Statutory Licensing Sub-Committee an application for a new premises licence.

1.0 Purpose

- 1.1 To submit for consideration by the Statutory Licensing Sub-Committee an application for a new premises licence.

2.0 Background

- 2.1 The application was received on 6 September 2021 from Kuljinder Pahal for a premises licence in respect of Rose Garden Banqueting Hall, 295 Parkfield Road, Wolverhampton, West Midlands, WV4 6ED. A copy of the application is attached at Appendix 1.
- 2.2 The premises are in the Blakenhall ward and a location plan is attached at Appendix 2.
- 2.3 The application is in respect of provision of Live Music, Recorded Music, Performances of Dance and Supply of Alcohol on the Premises.
- 2.4 This premises are situated within the Cumulative Impact Zone. A copy of the policy and the area which it covers is attached at Appendix 3.
- 2.5 It is the understanding of the Licensing Authority that the application for this premises licence has been properly made. The statutory requirement to give notice of the application has also been complied with.
- 2.6 All Responsible Authorities have been consulted on this application. Relevant representations have been received from the Licensing Authority, West Midlands Police, Public Health and Other Persons. Copies of the representations can be found at Appendices 4 to 7 respectively.
- 2.7 The applicant has signed a West Midlands Fire Service voluntary undertaking, a copy of this document is attached at Appendix 8.
- 2.8 The applicant and all those who have submitted representations have been invited to attend the hearing.

3.0 Policy Implications

- 3.1 In the 2020 Statement of Licensing Policy, the Cumulative Impact Policy (CIP) was revised and consideration was given to the five Cumulative Impact Zones (CIZ) and problem areas bordering them (Special Consideration Areas). Applications received for premises within these areas will be subject to a matrix approach contained within the Statement of Licensing Policy.
- 3.2 This decision supported the view that the number, type and density of premises selling alcohol for consumption and/or late-night refreshment in areas within Wolverhampton City was causing problems of nuisance and disorder and therefore causing an adverse impact on the licensing objectives of prevention of crime and disorder and prevention of public nuisance.

- 3.3 The effect of this CIP is to create a rebuttable presumption that applications in respect of the sale or supply of alcohol and/or late-night refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates, where the premises are situated in the Cumulative Impact Zone will be refused.
- 3.4 Essentially this means that applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. (This policy does not act as an absolute prohibition on granting new licences in the Cumulative Impact Zones).
- 3.5 To rebut the presumption, explained in 3.4 above, the applicant is expected to demonstrate through their operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced and not therefore have an adverse impact in the Licensing Objectives.

4.0 Financial implications

- 4.1 There are no direct financial implications associated with the recommendations in this report. The fee for this application is £100 and is non-refundable. The fees and charges in relation to the Licensing Act 2003 are set by the Secretary of State. This was noted by the Statutory Licensing Committee on 20 January 2021 [SB/05012021/W]

5.0 Legal implications

- 5.1 Part 4(1) of the Licensing Act 2003 states that a Licensing Authority must carry out its function under the Act with a view to promoting the Licensing Objectives, namely:
- (a) The prevention of crime and disorder
 - (b) Public safety
 - (c) The prevention of public nuisance
 - (d) The protection of children from harm.
- 5.2 The general duties imposed on Licensing Authorities means proper consideration must be given to the Licensing Objectives when determining a premises licence application.
- 5.3 Regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and City of Wolverhampton's Council Licensing Policy Statement which includes a cumulative impact policy.
- 5.4 Section 18 of the Licensing Act 2003 provides the Licensing Authority with the power to grant an application, subject to conditions, where appropriate.
- 5.5 City of Wolverhampton Council have five Special Policies or Cumulative Impact Zones (CIZ's).

- 5.6 Within the WCC Statement of Licensing Policy, Cumulative Impact is defined as the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 5.7 The special policy will only be overridden in exceptional circumstances. The effect of this special policy is that applications for new premises licences within the area which are likely to add to the existing Cumulative Impact, will be refused following relevant representations. This presumption can be rebutted by the applicant if they can show that their application will have no negative Cumulative Impact.

In order for the Cumulative Impact Policy to be relevant to this application the Sub-Committee:

I. Should be satisfied it applies due to:

- (a) Premises being located within the Cumulative Impact Zone;
- (b) The likelihood that the activity will have an impact on the licensing objectives.

And where the Cumulative Impact Policy is deemed to apply:

II. Should refuse an application following relevant representations, unless the applicant can show that their application will have no negative Cumulative Impact.

[SH/16092021/D]

6.0 Equalities implications

- 6.1 This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in Section 4 of this report may have financial implications for a licensee's business and livelihood and/or may have impact on the day to day lives of residents living in close proximity to the premises.
- 6.2 Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private family life and his/her home (which includes business premises). This right may be interfered with by the Council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.

7.0 All other Implications

- 7.1 There are no direct implications associated with this report

8.0 Schedule of background papers

- 8.1 None.

9.0 Appendices

- 9.1 Appendix 1 – Copy of application
- 9.2 Appendix 2 – Location Plan
- 9.3 Appendix 3 – Cumulative Impact Zone Policy
- 9.4 Appendix 4 – Licensing Authority Representation
- 9.5 Appendix 5 – West Midlands Police Representation
- 9.6 Appendix 6 – Public Health Representation
- 9.7 Appendix 7 – Other Persons Representation
- 9.8 Appendix 8 – West Midlands Fire Services Voluntary Undertaking

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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/xx KULJINDER PAHAL

(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			
ROSE GARDEN BANQUETING HALL 295 PARKFIELD ROAD			
Post town	WOLVERHAMPTON	Postcode	WV4 6ED

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£N/K

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **appropriate** **Please tick as**

- | | | | |
|----|--|-------------------------------------|-----------------------------|
| 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/limited liability partnership | | please complete section (B) |
| | ii as a partnership (other than limited liability) | | please complete section (B) |
| | iii as an unincorporated association or | | please complete section (B) |
| | iv other (for example a statutory corporation) | | please complete section (B) |

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SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential 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
Address
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 consist of a two storey building, purpose built for use as a banqueting hall for weddings / parties / events. There is car parking surrounding the premises.

In April 2020 the ground floor of the Premises only was granted a Premises Licence (20/04430/PRE) subject to conditions. Those conditions, including a Noise Management Plan, have been complied with. The applicant now wishes to extend operations to the mezzanine/first floor area.

There will be no overall change to occupancy restrictions of 600 people. All other conditions on the current Premises Licence will be complied with on this application. Following grant of this application the applicant will surrender Licence 20/04430/PRE

The premises are near to commercial properties and next to a Health Centre. There are residential properties opposite the venue and park area to the rear.

The building is on a larger site which also has planning permission for a hotel. However it has been agreed with the Planning department that, on grant of this application, the hotel development will not proceed and the area will become usable for additional car parking for the venue.

This application is submitted following discussions with Environmental Health and Planning.

The Premises are within, but on the boundaries of, a Cumulative Impact Zone. The premises impact on the area was considered in the April 2020 hearing. Given that

1. there is an existing premises licence in place,
2. the application only affects the parts of the already constructed building not currently in use,
3. there is no change to the proposed hours of operation or capacity limits,
4. the proposed extra car parking being made available,
5. it is proposed that all conditions on the existing licence will also apply to this application

it is not considered that this application will have a negative, or any, impact on the area or the promotion of the Licensing Objectives.

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) x
- f) recorded music (if ticking yes, fill in box F) x
- g) performances of dance (if ticking yes, fill in box G) x
- 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) x

In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
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 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
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 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	x			
				Outdoors				
				Both				
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) Occasional unamplified and amplified music provided by solo artists, duos or groups at various times during licensed hours.					
Mon	11:00	23:00						
	-----	-----						
Tue	11:00	23:00						
	-----	-----						
Wed	11:00	23:00				<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
	-----	-----						
Thur	11:00	23:00						
	-----	-----	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)					
Fri	11:00	23:00						
	-----	-----						
Sat	11:00	23:00						
	-----	-----						
Sun	11:00	23:00						
	-----	-----						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – <u>please tick</u> (please read guidance note 3)	Indoors	x
				Outdoors	
				Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) Occasional amplified music at various times during licensed hours. DJ playing music at events / weddings etc. Amplified music <u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) <u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	x
Day	Start	Finish		Outdoors	
				Both	
Mon	11:00	23:00	<u>Please give further details here</u> (please read guidance note 4) Occasional performance of dance by solo and multiple artists at various times during licensed hours. Performances of Dance at Weddings / parties / events. Amplified and unamplified music will be used		
Tue	11:00	23:00			
Wed	11:00	23:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur	11:00	23:00			
Fri	11:00	23:00	<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 6)		
Sat	11:00	23:00			
Sun	11:00	23:00			

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	
Mon				Outdoors	
				Both	
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p>		
Sun					

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	
				Outdoors	
Day	Start	Finish		Both	
Mon				<u>Please give further details here</u> (please read guidance note 4)	
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	X
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

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 JAGDIP PAHAL	
Date of birth [REDACTED]	
Address [REDACTED] [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) 8765/2	
Issuing licensing authority (if known) Birmingham City Council	

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).

No adult entertainment or services or similar likely to give rise to concern in respect of children will be permitted on the premises.

Unaccompanied children will not be permitted on the Premises

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	23:00	
Tue	10:00	23:00	
Wed	10:00	23:00	
Thur	10:00	23:00	
Fri	10:00	23:00	
Sat	10:00	23:00	
Sun	10:00	23:00	<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)

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)

The licensing objectives have been carefully considered taking account of the premises and their location. The proposed premises will promote the licensing objectives in accordance with the Section 182 Guidance.

The premises will operate in accordance with all relevant legislation.

Details of any measures considered necessary to promote the licensing objectives are contained under the relevant objective below.

See generally accompanying schedule of conditions applicable to Licence 20/04430/PRE which are to apply to this licence

There will be full CCTV coverage

Challenge 25 will be used

Unaccompanied children will not be permitted on the premises

There will be a strict No Drugs Policy

b) The prevention of crime and disorder

The crime and disorder objective has been considered in the light of the proposed premises. The proposed premises will not have an adverse effect on the crime and disorder objective.

The proposed premises will promote the crime and disorder objective in accordance with the Section 182 Guidance.

The premises will operate in accordance with all relevant legislation which promotes the crime and disorder objective.

See also accompanying schedule.

c) Public safety

The public safety objective has been considered in the light of the proposed premises.

The proposed premises will not have an adverse effect on the public safety objective.

The proposed premises will promote the public safety objective in accordance with the Section 182 Guidance.

The premises will operate in accordance with all relevant legislation which promotes the public safety objective including, but not limited to, the Health & Safety At Work etc Act 1974 and associated regulations, the Food Safety Act 1990, the Regulatory Reform (Fire Safety) Order 2005 and the Equality Act 2010.

See also accompanying schedule

d) The prevention of public nuisance

The public nuisance objective has been considered in the light of the proposed premises.

The proposed premises will not have an adverse effect on the public nuisance objective.

The proposed premises will promote the public nuisance objective in accordance with the Section 182 Guidance.

The premises will operate in accordance with all relevant legislation which promotes the public nuisance objective including but not limited to the Environmental Protection Act 1990 and the Noise Act 1996.

See also accompanying schedule

e) The protection of children from harm

The protection of children objective has been considered in the light of the proposed premises.
The proposed premises will not have an adverse effect on the protection of children objective.
The proposed premises will promote the protection of children objective in accordance with the Section 182 Guidance.
The premises will operate in accordance with all relevant legislation which promotes the protection of children objective.

Unaccompanied children will not be permitted on the Premises

See also accompanying schedule

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. x

- I have enclosed the plan of the premises. x
- I have sent copies of this application and the plan to responsible authorities and others where applicable. x
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. x
- I understand that I must now advertise my application. x
- I understand that if I do not comply with the above requirements my application will be rejected. x
- [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 or my share code issued by the Home Office online right to work checking service (please read note 15). x

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.**

Declaration	<ul style="list-style-type: none"> 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 (please read guidance note 15). 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	27 July 2021
Capacity	Applicant

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Peter Adkins Regulatory Licensing Knights plc Two Chamberlain Square			
Post town	Birmingham	Postcode	B3 3AX
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) 			

Mandatory Licensing Conditions (Licensing Act 2003)

Mandatory conditions as required by the Act will apply to the licence.

It is the responsibility of the Premises Licence Holder and the Designated Premises Supervisor to ensure that they are conversant and compliant with all current mandatory conditions in relation the Licensing Act 2003.

Conditions consistent with the Operating Schedule

General:

Full CCTV coverage

Challenge 25 will be used

Unaccompanied children will not be permitted on premises

Strict No drugs policy

Prevention of Crime & Disorder

Door Staff / Event Management

The DPS or a member of senior management will consider the need for door staff for each event, by means of a risk assessment which will be documented and kept for a period of 12 months. This will also be made available to any responsible authority. The numbers of door staff to be used to be determined primarily on the type of event taking place. For wedding type events a minimum ratio of 1:125 will be adopted. On any occasion where 250 or more people are in attendance, there shall be a minimum of 2 SIA registered door staff employed.

A daily log of all SIA staff employed at the premises detailing time on/off duty, badge numbers, full names and expiry date of SIA accreditation will be maintained and made available for inspection

Drugs Policy

The Premises will operate in accordance with a Drugs Policy deposited with the Police. No amendments to the Policy to be allowed except with the prior agreement of the Police.

CCTV

CCTV coverage to be installed in and outside the premises to the reasonable requirements of the local police with a minimum 30 days recording kept. At least one member of staff who is fully trained to use and download the CCTV to be on the premises at all times when the premises are open and trading under the Premises Licence.

Staff Training

The DPS/PLH to ensure on-going training (minimum of an annual basis) of all staff (not being Personal Licence holders) involved in the sale of alcohol and responsibilities this entails as per the Licensing Act 2003. This training to be documented with employee's name, date and type of training in a paginated book or similar electronic record. These records to be made available upon request to any Responsibility Authority.

Registers

A paginated refusals register will be kept in either paper or electronic form and will be made available upon request to any responsible authority.

A paginated incident log will be maintained at the premises and a written record of any relevant incident that occurs at the premises must be appropriately recorded. Where it is deemed appropriate by the DPS/PLH or senior management the incident must be immediately reported to West Midlands Police. Incident log book to be produced to a member of a responsible authority upon request

Drugs Policy

The specific drugs policy is complied with and it shall also form an addendum to the licence

Public Safety:

The premises will have full fire and safety equipment in accordance with relevant regulations. All fire safety equipment will be maintained as appropriate

Staff appropriately trained on first aid will be available whenever premises are open.

Prevention of Public Nuisance:

Signs to be erected to request patrons to be considerate of neighbours when leaving the premises

1. Prior to the Rose Banqueting Hall opening an acoustic impact assessment shall be conducted in agreement with and to the satisfaction of the Licensing Authority which shall include, *inter alia*:

- An appraisal of the physical structure of the premises and building components in terms of its ability to mitigate internally generated sounds.
- Specifications for electronic/electrical systems and means to be used as permanent installations for the purposes of producing, reproducing and amplifying music and other sounds associated with the licensed use.
- Required means to mitigate and prevent adverse noise impact at noise-sensitive premises that includes measure to limit and control internally generated music and other sounds produced, reproduced or amplified by electronic/electrical systems associated with the licensed use.
- A Noise Management Plan that incorporates external noise sources arising through use of the licensed premises.

2. Ensure that when the Rose Garden banqueting Hall is in use the Noise Prevention and Event Dispersal Policy (Document Reference -RGBH/NPAEDP/01 Dated: 28th April 2020) which has been agreed with Environmental Health is adhered to at all times. This document is subject to annual review and should be updated and/or amended as deemed necessary by the City of Wolverhampton Councils Environmental Health Section.

The specific Noise Prevention and Event Dispersal Policy is complied with and shall also form an addendum to the licence; That the Noise Prevention and Events Dispersal Policy shall include specific provisions for the winding down process the premises shall use.

Protection of Children from harm:

A Challenge 25 policy will be adopted for the sale of alcohol with signs placed in overt positions, with particular reference to the bar area.

There will be no strip tease/nudity or showing of adult films on the Premises.

Unaccompanied children will not be permitted on the Premises

Addendum

DRUGS POLICY Rose Garden Banqueting Hall

The Venue will adopt a zero tolerance to the use or supply of illegal substances on its premises.

Anyone who is found to be in possession, supplying or under the influence of any illegal substance will be removed from the premises.

Members of staff shall be trained to identify illegal drugs.

All seizures of drugs shall be confiscated and stored in a secure container prior to being handed over to the Police. The Police are to be contacted as soon as practicable to arrange seizure.

Any seizures of drugs shall be recorded in a bound book or electronic record, together with details of how and where the article was seized, and, where practicable the name and address of the person found to be in possession of the drugs. Such records shall be kept and made available for inspection by the Police and all such records to be retained at the premises for at least 12 months.

If illegal drugs are found within the premises, a clear image of the person found in possession shall be captured on CCTV, wherever possible.

Any person found using or in possession of drugs shall be detained, if safe and practicable.

Regular toilet checks shall be carried out and records of such checks shall be retained at the premises for a period of at least 12 months.

Dated March 2020

**NOISE PREVENTION AND EVENT DISPERSAL POLICY
ROSE GARDEN BANQUETING HALL**

The purpose of this Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising pro-active measures during and towards and at the end of the evening.

Events Dispersal Policy:

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled, and safe dispersal of our patrons during our closing period.

This Policy will be part of the training delivered to all staff and security personal

1. For events held at The Rose Garden Banqueting Hall at the end of service each day management and staff will assist with the orderly and gradual dispersal of patrons; guests will be required to exit the Banqueting hall via the main door on the Parkfield road side of the premises
2. Staff Members, door personnel and security will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff, any guests not adhering to these measures will be promptly removed from the area.
4. We will ensure the removal of all bottles and drinking receptacles from any patron before exiting the premises.
5. We will actively discourage our customers from assembling outside the premises at the end of the evening.
6. If staff call taxis to the premises to collect patrons they will request that patrons are collected from the car park area. Patrons will be contacted prior to any event at the premises to inform them that this is where they should request any taxis to collect them from if they plan on calling a taxi themselves, patrons will also be made aware that if any taxi does not follow this request then the taxi will be asked to leave immediately. Security at the premises will further try to aid this by directing patrons and taxis away from Parkfield road, if not following requests accordingly.

7. Prior to the event at the premises, patrons will be advised that if they are to use taxis for travel to and from the premises, that they inform their taxis to refrain from sounding their horns on arrival/waiting, and security on the grounds will reinforce this when they can communicate with taxi drivers collecting patrons from our premises.
8. A copy of the dispersal policy will be kept on the premises and made available to police or other authorised officers upon request.

Staff and Door Supervisors roles will include the following:-

- To encourage patrons to leave the premises in a quiet and orderly manner
- Not to allow any drinks to be taken outside the premises
- Prevent groups of patrons from loitering near the premises, by politely requested that they move on as quickly as possible
- Prevent persons from taking any drinks or containers with them into the smoking area.
- The smoking area is to be monitored to ensure that there are no more than 6 persons in the smoking area at any one time. See attached plan for the location of the smoking area in the appendix.

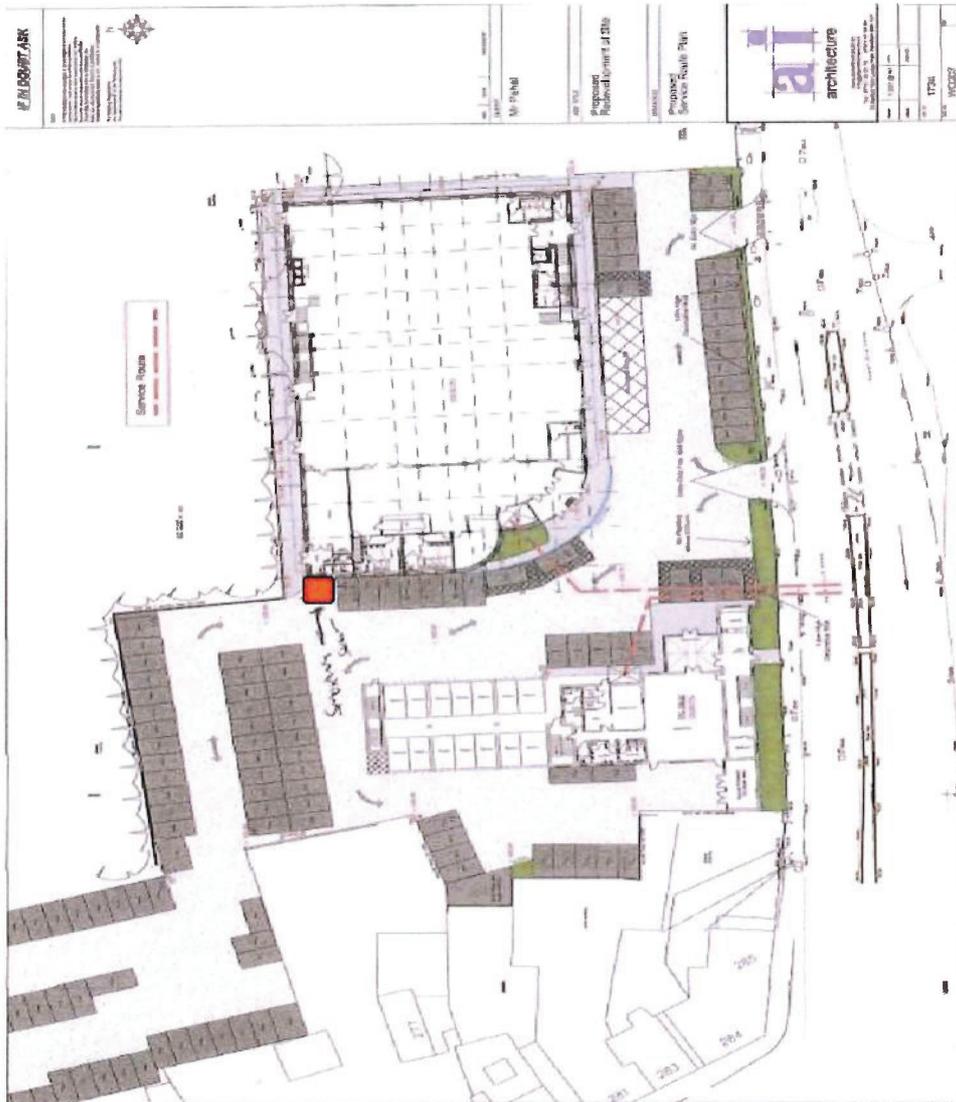
It is ultimately the responsibility of the Event Manager on duty to ensure that:-

- Door supervisors and other staff act effectively and responsibility to comply with this policy and are aware of the importance of customers leaving as safely and quietly as possible.
- Customers do not cause any disturbance or nuisance to any local residents with the vicinity of the premises.
- To prioritise and assist wherever possible in ensuring that customers leave as safely, quietly and in an orderly manner as possible.

Policies to Manage Noise Prevention (in particular for events with music):

- All external doors shall be kept closed after 21:00, other than for access and egress. Door staff will enforce this policy.
- Windows have been bricked up as determined in the planning phase.
- The interior of the premises shall not be capable of being seen from the outside of the premises.
- All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.
- Clear and prominent notices shall be displayed and maintained at all exits in a place where they can be seen and easily read by customers requiring customers to leave the premises and the area quietly and respectfully.
- Staff will monitor noise levels next to the nearest residential properties a few times throughout each event that will be held, if any noise can be heard at any of the nearest residential properties then the music will be reduced accordingly
- We will liaise with the Event's Organiser to ensure that sound levels are kept to a level to minimise noise outbreak from the venue
- All staff will receive regular training to ensure the noise prevention is adequate for each function

Appendix A- Smoking Area Location (marked up with red box)



Consent of individual to being specified as premises supervisor

I Jagdip Singh PAHAL

[full name of prospective premises supervisor]

of



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises Licence

[type of application]

by

Kuljinder Pahal

[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for

Rose Garden Banqueting Hall
295 Parkfield Road
Wolverhampton
WV4 6ED

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Kuljinder Pahal

[name of applicant]

concerning the supply of alcohol at

Rose Garden Banqueting Hall
295 Parkfield Road
Wolverhampton
WV4 6ED

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

8765/2

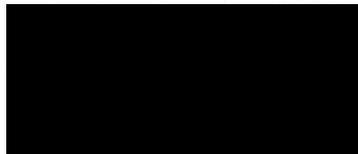
[insert personal licence number, if any]

Personal licence issuing authority

Birmingham City Council

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

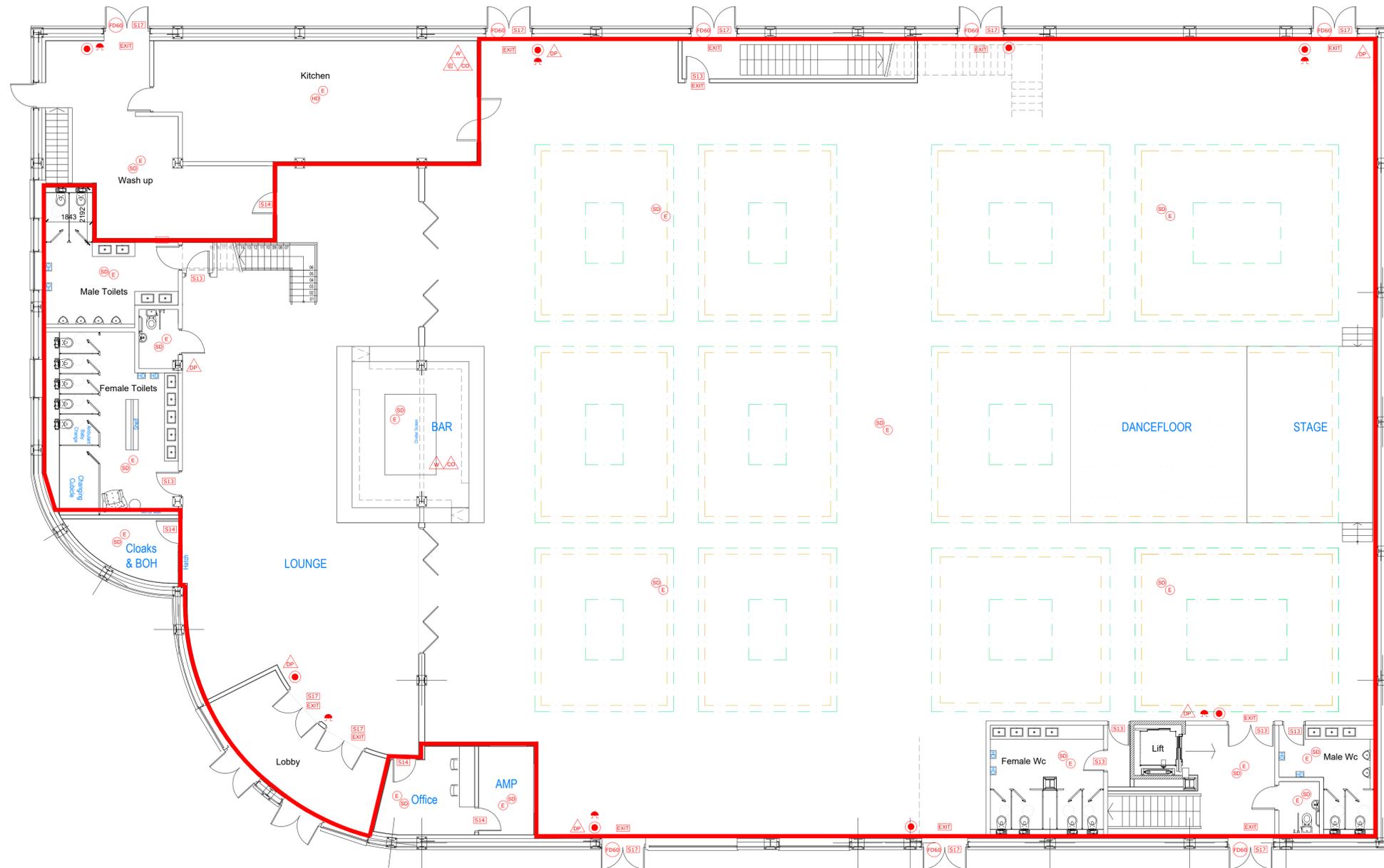


Name (please print)

Jagdip Singh PAHAL

Date

20/07/21



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General Notes
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 The Principal Contractor or his appointed Specialist Sub Contractors are to familiarise themselves, where appropriate, with the site and measure all areas affecting their works. All dimensions and levels to be checked on site by Contractor prior to the commencement of work or the manufacture of any off site components or artifacts. Where dimensions are shown these are subject to final verification by the Contractor or appointed Sub Contractor. Any dimensional discrepancies or non availability of selected materials must be notified immediately in writing to the appropriate Designer. All dimensions to be recorded in millimeters unless specifically stated otherwise.
 All works are to be carried out by recommended/competent installation Contractors to Manufacturers instructions/recommendations. All materials & workmanship are to comply with British Standards and E.E.C. codes current at the commencement of the works. Contractor is to ensure that all the works are in compliance with BS, EHO, Building Control, Fire Authority and all other Statutory requirements where applicable.

B	date: 23.07.20	drawn: GL	checked: -
Layout amended following site visit			
A	date: 24.01.20	drawn: GL	checked: -
Layout amended			
revisions			
status: LICENSING			



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EMAIL	INFO@TIBBATTS.COM WWW.TIBBATTSABEL.COM

Fire Safety Installation Legend

(E)	Emergency light fitting with neon indicator. Area covered with a system of escape lighting
EXIT	Emergency exit sign (Maintained exit light with running man symbol)
(S)	Fire alarm sounder giving 90dba output at 1m.
FAP	Fire alarm panel.
(C)	Fire alarm call point / Break Glass
(A)	2kg CO2 extinguisher
(D)	6kg ABC Dry Powder extinguisher
(W)	9ltr Water Additive extinguisher
(M)	Multipurpose extinguisher
(F)	6ltr Foam extinguisher
(B)	Fire blanket.

NOTE: All fire extinguishers to be hung on J brackets check wall support is good otherwise plywood pattress is to be fitted to wall and painted to match

(SD)	Area covered by smoke detector (BS 5839)
(HD)	Area covered by heat detector (BS 5839)
(SH)	Area covered by combine smoke & heat detector (BS 5839)
(S13)	Sign - 'FIRE DOOR KEEP SHUT' - 75mm letters to both sides of door leaf
(S14)	Sign - 'FIRE DOOR KEEP LOCKED' - 75mm letters to both sides of door leaf
(PB)	Doors which are provided with panic bolts. There must be a notice adjacent to fastening indicating method of opening (min.50mm high lettering)
(S14fd)	Sign - 'FIRE DOOR KEEP LOCKED' - 75mm letters to both sides of door leaf / (Fail safe open / digital control)
(S17)	Sign - 'FIRE EXIT KEEP CLEAR' - 75mm letters to external face of door leaves
(S22)	Sign - internally illuminated 'FIRE EXIT' or graphic equivalent - 75mm high letters. Directional arrow to be provided in the direction indicated →
(VP)	Vision panel

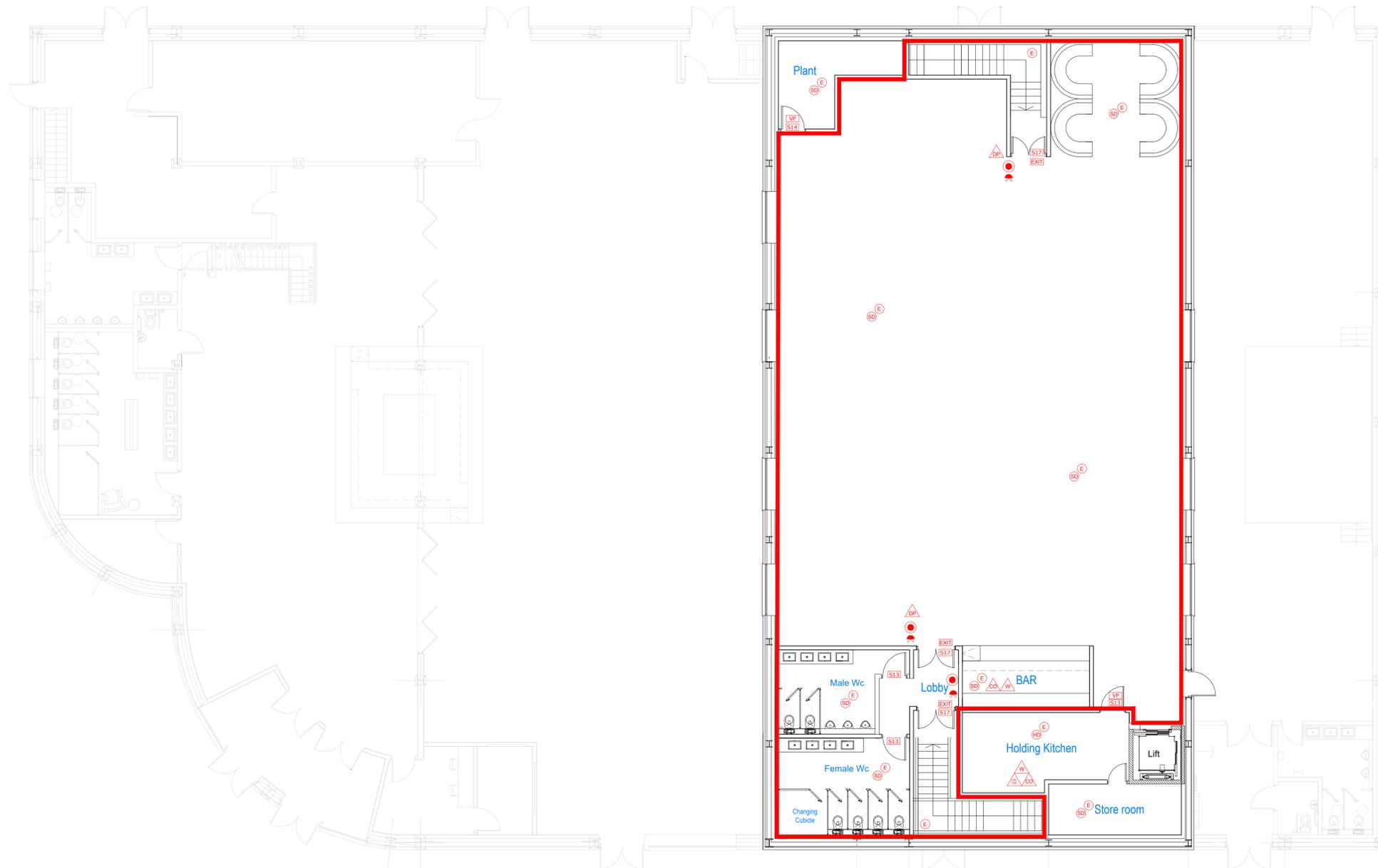
(FD30)	30 minute fire door
(FD30S)	30 minute self closing fire door
(FD60)	60 minute fire door
(FD60S)	60 minute self closing fire door
(C)	non fire rated standard door
(PIR)	PIR - Sensor Lights
(CCTV)	CCTV Camera

Exit widths and staircases to conform to BS 5588: Part 2 or Part 6. Arrow denotes upward direction. Occupation densities to BS 5588: Part 2 or Part 6 as appropriate.
 Exact location of services to be agreed on site

Items shown on this plan which are not required by the Plans Regulations are for illustrative purposes only, and do not form part of the licence. These items may be moved at the discretion of the licence holder. The current location of the fire safety equipment is as shown. These items may be moved from time to time with agreement of the Fire Officer or after fire risk assessment.

Areas for licensable activities denoted by red line.

client:	JAGDIP PAHAL
project:	ROSE GARDEN
title:	PROPOSED LICENSING GROUND FLOOR PLAN
scale:	1:100@A1
date:	24/07/19
drawn:	GL
checked:	--
job no:	2112
drawing no:	006
revision:	B



FIRST FLOOR PLAN
SCALE 1:100 @ A1

Fire Safety Installation Legend

	Emergency light fitting with neon indicator. Area covered with a system of escape lighting
	Emergency exit sign (Maintained exit light with running man symbol)
	Fire alarm sounder giving 90dba output at 1m.
	Fire alarm panel.
	Fire alarm call point / Break Glass
	2kg CO2 extinguisher
	6kg ABC Dry Powder extinguisher
	9ltr Water Additive extinguisher
	Multipurpose extinguisher
	6ltr Foam extinguisher
	Fire blanket.

NOTE: All fire extinguishers to be hung on J brackets check wall support is good otherwise plywood pattress is to be fitted to wall and painted to match

	Area covered by smoke detector (BS 5839)
	Area covered by heat detector (BS 5839)
	Area covered by combine smoke & heat detector (BS 5839)
	Sign - 'FIRE DOOR KEEP SHUT' - 75mm letters to both sides of door leaf
	Sign - 'FIRE DOOR KEEP LOCKED' - 75mm letters to both sides of door leaf
	Doors which are provided with panic bolts. There must be a notice adjacent to fastening indicating method of opening (min.50mm high lettering)
	Sign - 'FIRE DOOR KEEP LOCKED' - 75mm letters to both sides of door leaf / (Fail safe open / digital control)
	Sign - 'FIRE EXIT KEEP CLEAR' - 75mm letters to external face of door leafs
	Sign - internally illuminated 'FIRE EXIT' or graphic equivalent - 75mm high letters. Directional arrow to be provided in the direction indicated →
	Vision panel

	30 minute fire door
	30 minute self closing fire door
	60 minute fire door
	60 minute self closing fire door
	non fire rated standard door
	PIR - Sensor Lights
	CCTV Camera

Exit widths and staircases to conform to BS 5588: Part 2 or Part 6. Arrow denotes upward direction. Occupation densities to BS 5588: Part 2 or Part 6 as appropriate.

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Areas for licensable activities denoted by red line.

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All works are to be carried out by recommended/competent installation Contractors to Manufacturers instructions/recommendations. All materials & workmanship are to comply with British Standards and E.E.C. codes current at the commencement of the works. Contractor is to ensure that all the works are in compliance with BS, EHO, Building Control, Fire Authority and all other Statutory requirements where applicable.

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revisions			
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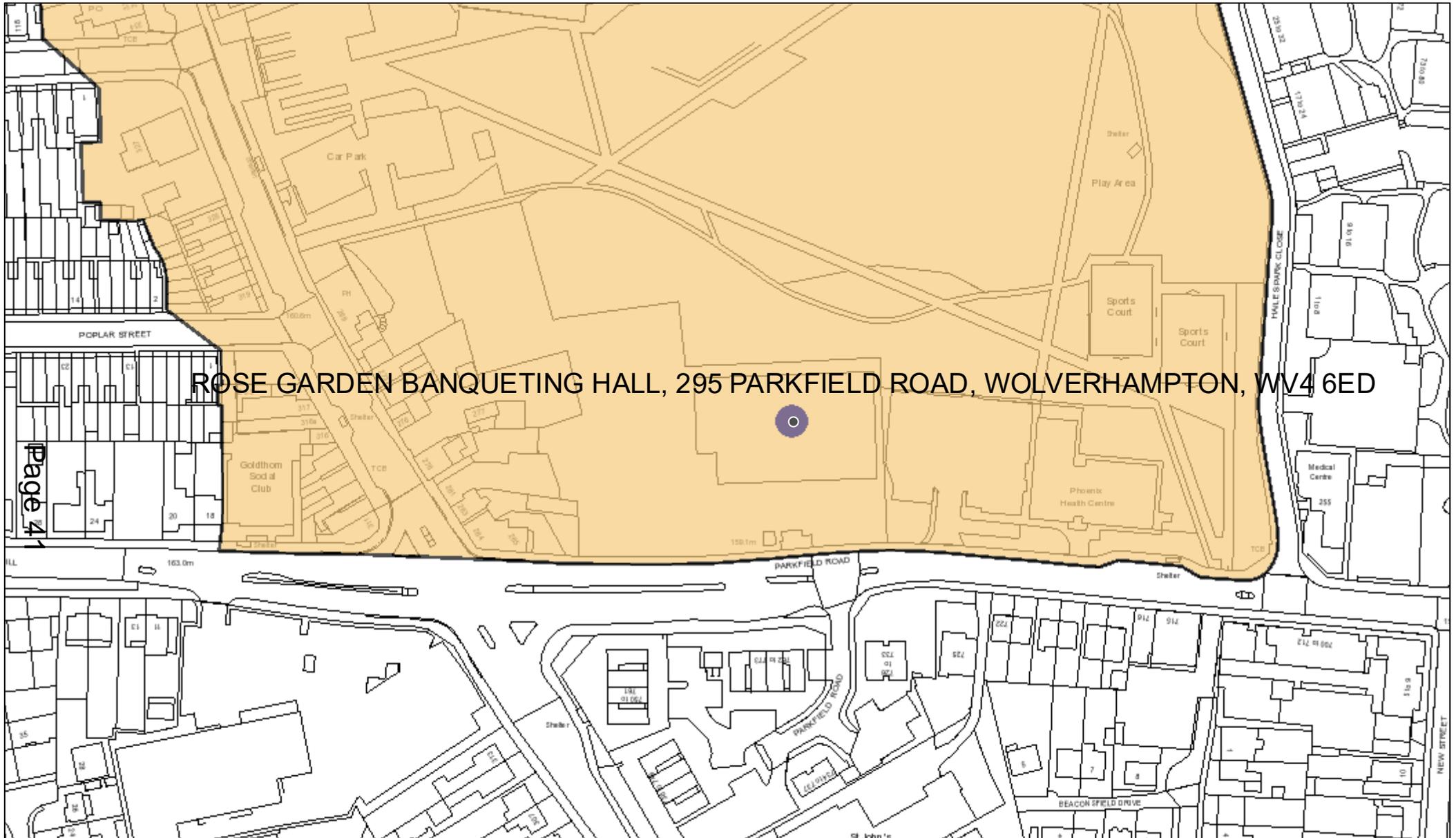
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LONDON + 44 (0)208 519 4294

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client:	JAGDIP PAHAL
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title:	PROPOSED LICENSED MEZZANINE FLOOR PLAN
scale:	1:100@A1
date:	24/07/19
drawn:	GL
checked:	--
job no:	2112
drawing no:	007
revision:	B

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Page 4

9/14/2021 4:39:08 PM

 Cumulative Impact Zone

1:1,563
0 0.0125 0.025 0.05 mi
0 0.02 0.04 0.08 km
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CUMULATIVE IMPACT POLICY

It is not proposed to set quotas for particular types of licences. Applications will be considered on their individual merit thus ensuring that the characteristics of the many different types of licensed activity are fully considered. If crime and disorder or general disturbance/nuisance does prove to be linked to the concentration of customers of licensed premises or activities in these or any other particular areas, then it may be necessary to seek controls over the issue of new licences through a 'Cumulative Impact Policy'.

It would first be necessary to establish that, because of the number and density of licensed premises in a particular area, there are exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect. Where particular premises are identifiable as being responsible for the problems, action will be taken against them.

Before deciding whether to adopt a Cumulative Impact Policy, the Council must be sure that the imposition of individual conditions to particular premises would not solve the problem. The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder.

In the Guidance issued under the Act there are four steps specified to be followed in considering whether to adopt a Cumulative Impact Policy:

- Identification of serious and chronic concern from a responsible Authority or representatives of residents about nuisance or disorder.
- Assessment of causes.
- Where it can be demonstrated that disorder and nuisance is arising as a result of customers of licensed premises, identifying the area from which problems are arising and the boundaries of that area.
- Adopting a policy about future licence applications from that area.

The Licensing Committee will keep any Cumulative Impact Policy under review and modify or remove it, as considered appropriate.

As detailed above the Council recognises that because of the number of and density of licensed premises selling alcohol and/or Late Night Refreshment in particular areas there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect. In these cases it may be necessary to seek controls over the issue of new licences through a 'Cumulative Impact Policy'.

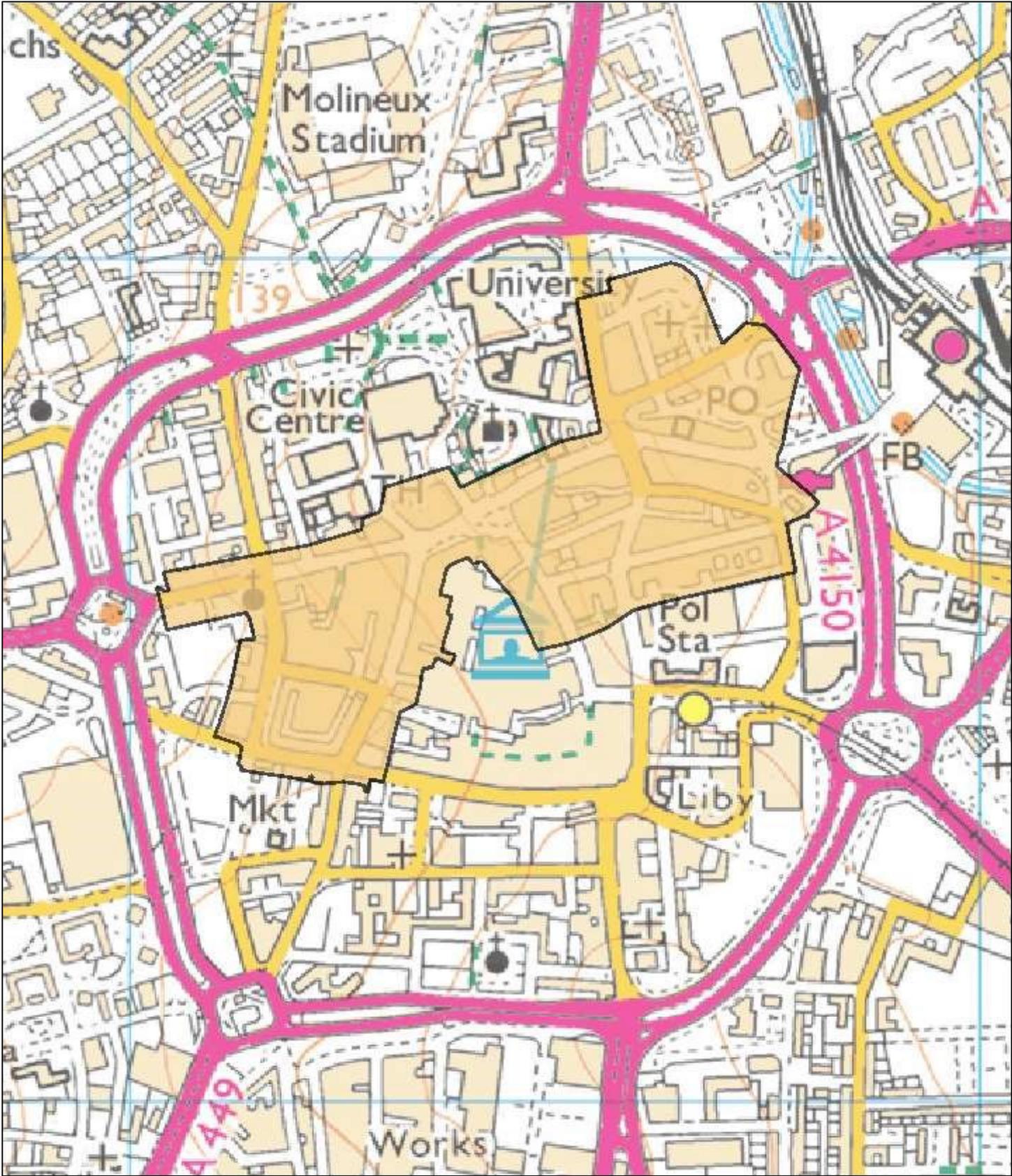
The Licensing Authority is now of the view that in these areas this is causing cumulative impact and designates these areas as Cumulative Impact Zones. The details of the policy specific to each area are described below.

The effect of the Cumulative Impact Policy is to create a **rebuttable** presumption that applications in respect the licensable activities detailed below for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity) where the premises are situated in one of the Cumulative Impact Zones will be refused.

To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting new licences in the Cumulative Impact Zones.

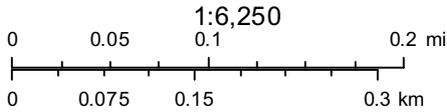
The Cumulative Impact Policy will not be used to revoke an existing licence or certificate and will not be applicable to the review of existing licences.

Cumulative Impact Zone



7/8/2021 9:41:30 AM

 Cumulative Impact Zone



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From: Greg Bickerdike
Sent: 13 August 2021 16:26
To: Licensing; [REDACTED]
Subject: RE: New Premises Licence Application - PRE1454 Rose Garden Banqueting Hall, 295 Parkfield Road, Wolverhampton, WV4 6ED

Sensitivity: PROTECT

Anita,

I write on behalf of the Licensing Authority as a Responsible Authority to submit formal representations to the above application under the licensing objectives of the Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety or Protection of Children from Harm.

The premises is located within the Dudley Road Cumulative Impact Zone (CIZ). There is a rebuttable presumption that applications within a C.I.Z will be refused unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives.

The current premises licence in place was granted by the Statutory Licensing Subcommittee on condition that the licence shall only apply to the ground floor of the premises, specifically excluding the first floor area. The application in question seeks to licence the first floor of the premises.

Kind regards,

Greg Bickerdike
Licensing Manager
Tel. Office: [REDACTED]

[E-mail: Greg.Bickerdike@wolverhampton.gov.uk](mailto:Greg.Bickerdike@wolverhampton.gov.uk)
City of Wolverhampton Council

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From: WV Licensing <wv_licensing@west-midlands.pnn.police.uk>
Sent: 16 August 2021 11:48
To: Licensing
Subject: RE: [External]: New Premises Licence Application - PRE1454 Rose Garden Banqueting Hall, 295 Parkfield Road, Wolverhampton, WV4 6ED

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Hi,

Under the Licensing objective of Prevention of Crime and Disorder, West Midlands Police wish to make representations for this application for the following reasons.

The premise is situated in the CIZ however there is no mention of what steps the applicant will take to ensure they do not contribute to the impact zone.

The conditions outlined under the Prevention of Crime and Disorder heading are not enforceable and therefore cannot be managed.

Kind regards,

Aimee Taylor
Licensing & Regulatory Officer
West Midlands Police
Int Tel: [REDACTED]

[REDACTED]

[REDACTED]

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: Andrea Crew <Andrea.Crew@wolverhampton.gov.uk>

Sent: 23 August 2021 15:04

To: Licensing <Licensing@wolverhampton.gov.uk>; [Redacted]

Subject: RE: New Premises Licence Application - PRE1454 Rose Garden Banqueting Hall, 295 Parkfield Road, Wolverhampton, WV4 6ED

Sensitivity: PROTECT

Afternoon Anita,

Thankyou for your email sent 2nd August.

I write on behalf of Public Health acting as Responsible Authority. I wish to submit a formal representation to the above application under the licensing objectives of the Prevention of Crime and Disorder, Prevention of Public Nuisance, Public Safety or Protection of Children from Harm.

The premises is located within the Dudley Road Cumulative Impact Zone (CIZ). There is a rebuttable presumption that applications within a C.I.Z will be refused unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the licensing objectives.

The current premises licence in place was granted by the Statutory Licensing Subcommittee on condition that the licence shall only apply to the ground floor of the premises, specifically excluding the first floor area. The application in question seeks to licence the first floor of the premises, which is opposed to the conditions of the original license.

Regards,

Andrea Crew

Senior Public Health Specialist/Public Health
City of Wolverhampton Council

Email - andrea.crew@wolverhampton.gov.uk

[Redacted]

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Objection to the Rose Garden application to recorded and live sound performances.

These objections are bought by Councillors [REDACTED] and Paul Birch, councillors for the Blakenhall ward where the Rose Garden venue is located.

The objections are brought on the grounds of the relevant published licensing objectives: public nuisance and the protection of Children. This objection is in respect to the music and sound license. The published licensing objectives both refer to the 2003 Act and the broader common law meanings. The principle concern being noise.

1/. Objection to the Recorded Music & Live Music license on the grounds of Public Nuisance and Protection of Children.

(i) The Rose Garden venue has put forwards an application for licensing hours 11.00 am to 11.00pm, 7-days a week for a drinks license. This is for the ground and upper floor. (ii) And for recorded music, live performance, and dancing for the same hours of operation on both ground and upper floors.

(iii) In its submission The Rose Garden puts an argument that it has a sound management plan in operation. We would ask panel members to please read the sound management plan. What you will find is the sound management plan only discusses the exiting of customers and their vehicles from the venue. It makes no reference to recorded or live sound escaping from the venue. We believe the sound from the venues will cause a nuisance to nearby homes, as no measures have been taken to isolate sound within the venue. The application from Rose Garden makes no reference to containing the escape of sound noise from the venue. There are no measures taken to attenuate or isolate the noise from recorded or live music or to take mitigating measures to avoid its occurrence.

(iv) Sound is produced when objects vibrate in air. The movement causes air particles to vibrate giving rise to rapid pressure fluctuations detected by the ear. The manner in which humans perceive sound governs the way it is measured and described. Two important characteristics of sound which humans perceive are the level of loudness and the pitch of frequency.

(v) Sound levels are expressed in decibels (db) and pitch or frequency in Hertz (hz). Typically, humans have audible range of between 50hz and 20,000hz. Though higher frequencies are perceived, and lower frequencies felt.

(vi) Attenuation of sound to avoid it escaping from a building relies upon sound isolation. There are principally two types of sound isolation to take account of sound movement from a building: **1/ impact sound**, which is where sound travel into a roof space and booms or into a floor and resonates, and **2/ airborne sound**, which escapes most easily through perfect conductors such as steel or glass. The Rose garden construction is a steel framework and glass.

(vii) There has been no attempt in the construction of the building to take any account of sound isolation and no reference to it in the noise management plan. There is no sound isolation in place, either internally or externally fixed to the buildings internal or external construction.

(viii) There is a perimeter wall constructed of double wall brick, at an elevation of two meters, with several gaps in the perimeter to allow for gates. But this construction, again has not been constructed from a viewpoint of sound isolation. As the Rose Garden venue upper floor is at

an elevation considerably greater than its perimeter wall, the noise escape from the venue of recorded and live music is not mitigated by the construction of the curtilage perimeter wall.

(x) There is a British Standards Advisory on construction to avoid noise: BS 8233 is the standard by which construction is required to be observed. The British Standard gives noise rating curves and sound insulation values embedded into the basic building materials and construction. The British Standard to be observed draws upon a code of practice to provide building designs that have internal acoustic environments appropriate to their function. BS8233 is a directive to the Environmental Health, Licensing and planning departments of local authorities setting out a minimum ambient noise level target.

2/. Night-time v Day-time noise levels

- (i) Background ambient noise during the daytime is estimated to be at around 70db, at night-time this drops considerably to a range of 30-50 db. In a bedroom the average ambient noise is 20db.

The Government advisory to councils can be found at this url link below.

<https://www.gov.uk/guidance/noise-nuisances-how-councils-deal-with-complaints#noise-at-night-warning-notices>

- (ii) Permitted noise levels are measured in “A”-weighted decibels. The Government recommends that Councils should consider potential noise nuisances, when issuing entertainment licenses. The Government say that in the National Planning frameworks at paragraphs, 170e, 180a, 180b, and 182 that councils should take relevant account of noise when considering the wider characteristics of a development. The government advisory is that noise impacts be determined if an adverse effect is occurring or likely to occur.

The government advisory <https://www.gov.uk/guidance/noise--2> describes as follows below:

3/. What are the observed effect levels?

- Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

Although the word ‘level’ is used here, this does not mean that the effects can only be defined in terms of a single value of noise exposure. In some circumstances adverse effects are defined in terms of a combination of more than one factor such as noise exposure, the number of occurrences of the noise in a given time period, the duration of the noise and the time of day the noise occurs.

See [the noise policy statement for England](#) for further information.

Paragraph: 004 Reference ID: 30-004-20190722

4/. How can it be established whether noise is likely to be a concern?

- (i) At the lowest extreme, when noise is not perceived to be present, there is by definition no effect. As the noise exposure increases, it will cross the 'no observed effect' level. However, the noise has no adverse effect so long as the exposure does not cause any change in behaviour, attitude, or other physiological responses of those affected by it. The noise may slightly affect the acoustic character of an area but not to the extent there is a change in quality of life. If the noise exposure is at this level no specific measures are required to manage the acoustic environment.
- (ii) As the exposure increases further, it crosses the 'lowest observed adverse effect' level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).
- (iii) Increasing noise exposure will at some point cause the 'significant observed adverse effect' level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is predicted to be above this level the planning process should be used to avoid this effect occurring, for example through the choice of sites at the plan-making stage, or by use of appropriate mitigation such as by altering the design and layout. While such decisions must be made taking account of the economic and social benefit of the activity causing or affected by the noise, it is undesirable for such exposure to be caused.
- (iv) At the highest extreme, noise exposure would cause extensive and sustained adverse changes in behaviour and / or health without an ability to mitigate the effect of the noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be avoided.

5/. Government noise exposure cumulative table

This table summarises the noise exposure hierarchy, based on the likely average response of those affected.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/820957/noise_exposure_hierarchy.pdf

This document follows on the next page;

Response	Examples of outcomes	Increasing effect level	Action
No Observed Effect Level			
Not present	No Effect	No Observed Effect	No specific measures required
No Observed Adverse Effect Level			
Present and not intrusive	Noise can be heard, but does not cause any change in behaviour, attitude or other physiological response. Can slightly affect the acoustic character of the area but not such that there is a change in the quality of life.	No Observed Adverse Effect	No specific measures required
Lowest Observed Adverse Effect Level			
Present and intrusive	Noise can be heard and causes small changes in behaviour, attitude or other physiological response, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a small actual or perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
Significant Observed Adverse Effect Level			
Present and disruptive	The noise causes a material change in behaviour, attitude or other physiological response, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Significant Observed Adverse Effect	Avoid
Present and very disruptive	Extensive and regular changes in behaviour, attitude or other physiological response and/or an inability to mitigate effect of noise leading to psychological stress, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory.	Unacceptable Adverse Effect	Prevent

6/. Protection of children of concern

- (i) Children are at risk if their sleep is interrupted. The NHS advise:

<u>Age</u>	<u>Hours of sleep</u>
3-5	11 - 13 hours
5-9	10 - 11 hours
10-14	9 - 9.75 hours
15-17	8.5 – 8.75 hours
Adults	7 – 9 hours

- (ii) The NHS advise parents to create a good sleeping environment for children. The bedroom should be calm, dark, quiet, and cool. The NHS write as an advisory that regular poor sleep puts us at risk of obesity, heart diseases and diabetes.
- (iii) Certain ethnicities are more prone to these diseases. As Blakenhall has a population of 74.4% Black and Ethnic minorities, we are already more prone to these health concerns. Blakenhall has on average a 4-year lower life expectancy* than neighbouring Penn, which has a 77% White population. (* Wolverhampton City Council 2021 publication). Therefore, issues that undermine longitudinal public health, are to be discouraged by the Local Authority.

Therefore, in the Councillors submission, there are substantive grounds not to grant a license for Recorded Music & Live Music. If the applicant refers to the absence of complaints, I would like to remind the committee that Government restriction during lockdown have prevented gatherings for dancing, singing and recorded music until the 19th July in England and 9th August in other parts of the UK.

9th August 2021

Paul John Birch

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LICENSING ACT 2003**Voluntary undertaking- Supplement to Application - Public Safety**

NAME OF PREMISES: Rose Garden Banqueting Hall

ADDRESS: . 295 Parkfield Road Wolverhampton.WV4 6ED

Before signing this document, you should be aware that failure to comply with this undertaking may result in a review of the premises licence and/or enforcement action under the Regulatory Reform (Fire Safety) Order 2005

PUBLIC SAFETY	
1)	The safe occupancy of the 1 ST floor will be restricted to a maximum capacity of 200 persons. Suitable management procedures will be adopted to ensure that the safe occupancy is not exceeded.
2)	The side, external pathway wall, will be breached to provide unobstructed egress from the front side middle fire exit and a suitable ramp or stepped egress will be provided directly to the car park. The work will be carried out in accordance with the requirements of a suitable building regulations application.
3)	The lobby door through the staircase enclosure at the front side of the building ,will have the fire exit sign removed from the function room side, as this will not be a dedicated fire exit from the ground floor function room.
4)	The above lobby door will be modified on one leaf to ensure that it does not drag on the carpet, preventing it from adequately self-closing.
5)	The decorative artificial foliage/flowers will be suitably fire retardant or removed from the premises.

APPLICANT'S SIGNATURE... 

(or representative authorised on behalf of the Premises Licence Holder/applicant)

Date..... 23/8/21

AUTHORISED OFFICER...Neil Aston-Baugh (POSITION)...Fire Safety Inspecting Officer (Authorised on behalf of West Midlands Fire Authority)

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