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# LICENSING ACT 2003

## SUMMARY OF PREMISES LICENCE

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**Postal address of premises, or if none, Ordnance Survey map reference or description:**

Cloisters Café Bar  
10 Birmingham Road  
Coleshill

**Post Town:** Birmingham

**Postcode:** B46 1AA

**Telephone No:** 01675 466788

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

N/A

**Licensable activities authorised by the licence:**

Sale by retail of alcohol:  
background music ancillary to  
sale of alcohol.

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

10.00 – 23.00 Monday – Saturday  
11.00 – 23.00 Sunday

**The opening hours of the premises:**

For 30 minutes after last  
permitted alcohol sale

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

On and off

**Name, (registered) address, telephone number and email (if relevant) of holder of premises licence:**

Calco Midlands Limited  
23 Sedgemere Road  
Yardley, Birmingham B26 2AX  
0121 784 3016

**Registered number of holder, eg company number, charity number (where applicable):**

04877864

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

Jay Hussain

**State whether access to the premises by children is restricted or prohibited**

Restricted by Licensing Act 2003



North Warwickshire  
Borough Council

**MANDATORY CONDITIONS**

1. No supply of alcohol may be made under the premises licence:

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal.

2.—(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorize anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

5.—(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

6. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: 1/2 pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

**CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

Door staff used at weekends SIA qualified. Member of Pub Watch scheme.

CCTV installed BS7958 both internal and external. Flood lighting to entrance area. Individuals liable to be searched when appropriate.

CCTV installed BS7958 both internal and external. Flood lighting to entrance area. New shatter type glasses used for drinking.

No entry after 22.30. All windows double glazed and permanently closed. No bottles or glasses allowed off the premises if opened.

Parents advised that children should stay in area of function i.e. mezzanine at all times.

As a result of a Hearing Application on 29<sup>th</sup> May 2009 to remove the under 21yrs – the panels decision is as follows:

**CONDITIONS**

Mandatory conditions as prescribed by the Licensing Act 2003 and Regulations made there under and the following conditions

- At least one SIA registered door staff from 18:00 – 23:30 on Fridays, Saturdays and Bank Holidays.
- CCTV system outside, at the entrance and at the downstairs seating area to comply to BS5798 and to otherwise comply with the matters detailed in the statement of PC 730 King dated 28<sup>th</sup> May 2009.
- That a “challenge 21” policy be in force at all times.
- That all external doors remain closed save when being used for entry and exit.

**Decision**

The Licensing Sub-Committee having considered the oral and written representations of the Licensing Officer, Environmental Health Officer and Manager, the Head of Development Control, local residents and the Premise Licence Holder in respect of the review of the Premises Licence decided to take the following steps:

**Exclude Licensing Activity**

- The provision of Regulated Entertainment is to be excluded from the scope of the Premises Licence

**Add New Condition**

- Food to be available during opening hours with tables and chairs laid out to accommodate a food led waiter service business
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**Reasons for the Decision**

The Licensing Sub-committee heard evidence regarding alleged breaches of conditions of the Premises Licence, some of which had been imposed at a previous review in December 2009 which had been brought on the application of Environmental Health. The Sub-committee were satisfied that there was an ongoing problem regarding noise nuisance, that regulated entertainment was continuing after the time permitted at these premises and persons were allowed to enter the premises after the prescribed time. The Sub-committee were mindful of the significant impact these problems had on local residents and in particular were grateful to the local resident who attended the review hearing and gave oral evidence. The Sub-committee took the view that the Premises Licence Holder should ensure future tenants/employees at the premises are made fully aware of their responsibilities under the Licensing Act 2003 and that the promotion of the licensing objectives must be taken

seriously by all. With these matters in mind the Licensing Sub-committee's aim was to ensure a balance between the commercial rights of the Premises Licence Holder to run its

business with the residents who have a right to expect peaceful enjoyment of their property. They felt re-assured that the Premises Licence Holder had taken steps to remove the DPS and that the premises had been closed for a few weeks. Also, with the assurances given by the Premises Licence Holder that care would be taken in selecting a future tenant and that the intention was to have a food led business operating at the premises. In arriving at their decision the Licensing Sub-committee agreed that the remedial action of excluding regulated entertainment and imposing conditions relating to the operation of a food led business was a necessary and proportionate response directed at the cause of the problems and that this action would promote the Licensing Objectives.

**PLANS**

**Certified copy attached.**