

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 3rd February 2021
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Premises at Unit 2210, Access Self Storage, Appleberry Foods, 180 Sherlock Street, Birmingham, B5 7EH
Ward affected:	Bordesley and Highgate
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider a representation that has been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption off the premises only) to operate from 24hours (Monday to Sunday).

Due to the nature of the application the public will not have access to the premises.

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 10th November 2020 in respect of the Premises at Unit 2210, Access Self Storage, Appleberry Foods, 180 Sherlock Street, Birmingham, B5 7EH.

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.

5. Relevant background/chronology of key events:

Bhavinkumar Inamdar applied on 10th November 2020 for the grant of a Premises Licence for Premises at Unit 2210, Access Self Storage, Appleberry Foods, 180 Sherlock Street, Birmingham, B5 7EH.

A representation has been received from West Midlands Police as a responsible authority. See Appendix 1.

The application is attached at Appendix 2.

Conditions have been agreed with Birmingham City Council Licensing Enforcement and the applicant, which are attached at Appendix 3.

The Hearing was initially scheduled before Licensing Sub-Committee C on Wednesday 6th January 2021. However, the applicants appointed agent requested that the hearing be adjourned due to extenuating circumstances. On Wednesday 6th January 2021, Licensing Sub-Committee C resolved to adjourn the hearing until Wednesday 3rd February 2021.

A copy of the determination is attached at Appendix 4.

Site Location Plans at Appendix 5.

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:-

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

6. List of background documents:

Copy of the representation as detailed in Appendix 1

Application Form, Appendix 2

Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 3

Licensing Sub-Committee determination of Wednesday 6th January 2021, Appendix 4

Site Location Plans, Appendix 5

7. Options available

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.

From: Abdool Rohomon
Sent: 03 December 2020 11:52
To: Licensing
Subject: Grant - unit no 2210, Access Self Storage, Appleberry Foods, 180 Sherlock Street, Birmingham

Dear Licensing

With reference to the above application. This application seeks a 24 hour licence for internet, mobile sales from a warehouse, whilst using couriers (both employed and through contractors) to deliver the alcohol.

We have considered this application on the basis of the risk to additional crime and disorder, public safety, nuisance and protection of children, through on line sales, 24 hours a day, and with the added factor of the delivery being made by either employees or third parties.

To do so relies on solid robust policies and procedures to be in place, ones that all staff can be aware of, so that they can followed and responsible authorities can see, to assess that all the risks have been identified.

WMP have been in contact with the applicants agent, via email and the responses have not provided sufficient evidence to address any of the concerns raised.

These concerns equate to the supply of alcohol late at night, through third parties and their control measures to make sure they are sufficient to the requirements of the premise licence holder and also the training which is documented in the application

West Midlands Police therefore object to this application and request a hearing

Kind regards

Abs Rohomon. BEM

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

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 **Bhavinkumar Inamdar**

(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			
Unit No 2210 - Access Self Storage Appleberry Foods 180 Sherlock Street			
Post town	Birmingham	Postcode	B5 7EH
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£ 0 (None)	

Part 2 - Applicant details

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

- | | | |
|----|--|-----------------------------|
| a) | an individual or individuals (✓ Yes) | 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) |
| c) | a recognised club | 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 (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; (✓ YES) 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 ✓	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname INAMDAR			First names BHAVINKUMAR		
Date of birth		I am 18 years old or over		Please tick yes ✓	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
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)					

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)

This is an application for a premises licence for a storage unit within a modern purpose-built storage facility. The application is for 24 hours supply of alcohol for off sales via internet and mail order only. The premises is not open to general public and customers do not have access to the premises. All sale of alcohol is by online or mail order only. Every storage room is individually alarmed, only authorised personnel can access by PIN code to the storage areas and secure storage rooms. 24 hr CCTV, smoke and fire detectors, staff on site seven days a week and perimeter fencing add additional layers of security in place. The premises is also part of a national supply chain network.

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

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

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music 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 performance of live music (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

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 – 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 playing of recorded music (please read guidance note 5)		
Thur					
Fri			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 6)		
Sat					
Sun					

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<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)		
Fri					
Sat			<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)		
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	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Fri					
Sat					
Sun					
			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 6)		

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	
				Off the premises	✓
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	00:00	00:00			
Tue	00:00	00:00			
Wed	00:00	00:00			
Thur	00:00	00:00			
Fri	00:00	00:00			
Sat	00:00	00:00			
Sun	00:00	00:00	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 6)		
			No time restriction on supply of alcohol for off sales, alcohol can only be sold online or by mail order. The premises is not open to public.		

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	Bhavinkumar Inamdar
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5) The premises is not open to the public
Day	Start	Finish	<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) The premises is not open to the public
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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)

1. The premises is not open to general public neither has access for customers of the business.
2. All sale of alcohol is by online or mail order delivery only. Every storage room is individually alarmed and can only be accessed by authorised personnel with PIN code to the storage areas and individual storage units.
3. 24 hr CCTV, smoke and fire detectors, staff on site seven days a week and perimeter fencing add additional layers of security in place.
4. Any sale of alcohol as a result of Internet purchase or mail order must be subject to age verification by verifying payment method.
5. Any delivery of alcohol as a result of Internet purchase or mail order must be subject to 'Challenge 21' age verification policy.
6. Any personnel involved in retail deliveries of alcohol are appropriately trained in licensing laws and age verification.

b) The prevention of crime and disorder

As Above

c) Public safety

As Above

d) The prevention of public nuisance

As Above

e) The protection of children from harm

As Above

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ✓
- I have enclosed the plan of the premises. ✓
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ✓
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ✓
- I understand that I must now advertise my application. ✓
- I understand that if I do not comply with the above requirements my application will be rejected. ✓
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ✓

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

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

Part 4 – Signatures (please read guidance note 11)

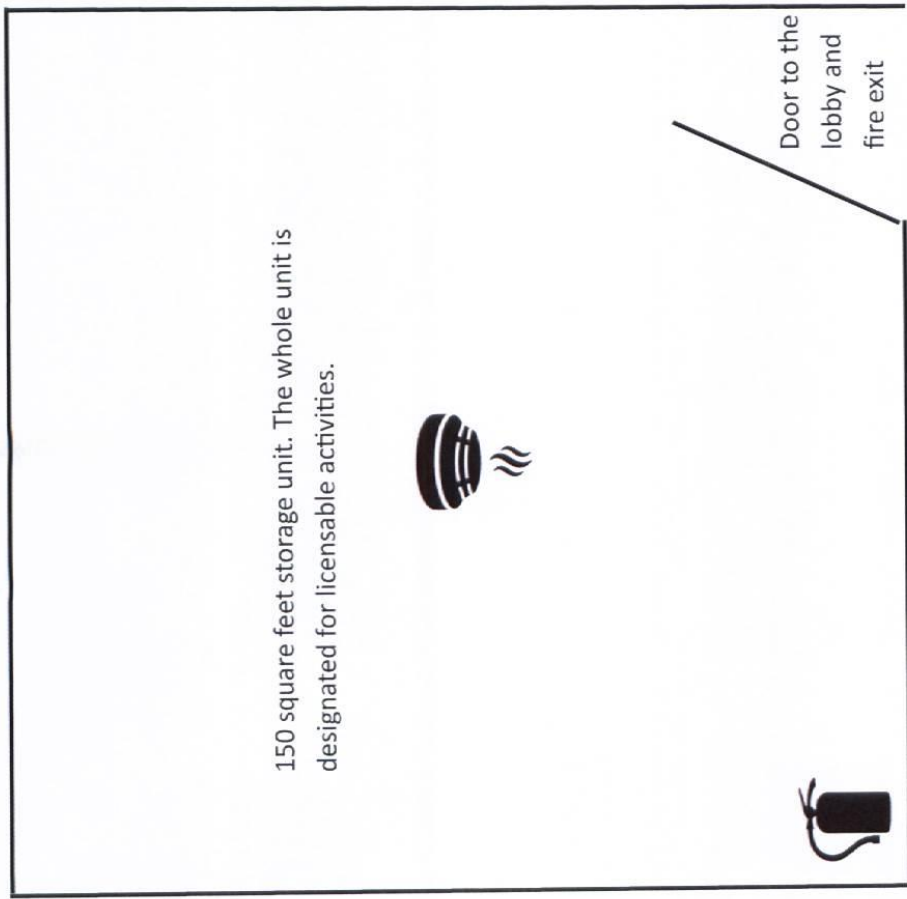
Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (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	10/11/2020
Capacity	Authorised Agent

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)			
Bobby Nakum			
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
- CCTV
- Fire Alarm
- Smoke and fire Alarm

Unit No 2210
 Access Self Storage
 Appleberry Foods
 180 Sherlock Street
 Birmingham
 B5 7EH
 Scale 1:100

Lobby and fire exit. Lobby is equipped with fire alarm, CCTV and safety systems.



From: Sharon Watts
Sent: 18 November 2020 15:34
To: Licensing
Subject: FW: Grant - Premises Licence, 180 Sherlock Street, Birmingham, B5 7EH

Good afternoon licensing

Please find in attached email conditions and wording which I have agreed with agent.

Kind regards

Sharon Watts
Licensing Enforcement Officer

Birmingham City Council,
Licensing Section,
P.O. Box 17831,
Birmingham,
B2 2HJ

www.birmingham.gov.uk/licensing

Twitter: @BCCLicensing

For information on Birmingham Licensed premises including licensed hours, activities and conditions go to
<http://publicregister.birmingham.gov.uk>

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

IMPORTANT - Taxi and private hire drivers, please make sure you are wearing a mask when carrying passengers

From: Bobby Nakum
Sent: 12 November 2020 22:07
To: Sharon Watts
Subject: Re: Grant - Premises Licence, 180 Sherlock Street, Birmingham, B5 7EH

Hi Sharon,

We can accept amended condition 5. With regards to condition 6, all training records are kept at the company's head office in London so they cannot keep the training records on site however, they can produce these records anytime. Would you accept the following wordings?

Condition 6. Any personnel involved in retail deliveries of alcohol are appropriately trained in licensing laws and age verification. The training shall be documented, signed by the member of staff and produced to an authorised person upon request.

Kind regards

Bobby Nakum

On Thu, 12 Nov 2020 at 17:06, Sharon Watts wrote:

Good afternoon

I refer to the above application and have now reviewed the proposed conditions, should the application be successful.

I would suggest that 2 of the conditions are amended to read:-

Condition 5. Any delivery of alcohol as a result of internet purchase or mail order must be subject to a Challenge 25 age verification policy.

Condition 6. Any personnel involved in retail deliveries of alcohol are appropriately trained in licensing laws and age verification. The training shall be documented, signed by the member of staff, kept on site and produced to an authorised person upon request.

Please can you confirm by return email that you accept the above.

Kind regards

Sharon Watts

Licensing Enforcement Officer

Birmingham City Council,

Licensing Section,

P.O. Box 17831,

Birmingham,

B2 2HJ



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE C

WEDNESDAY 6 JANUARY 2021

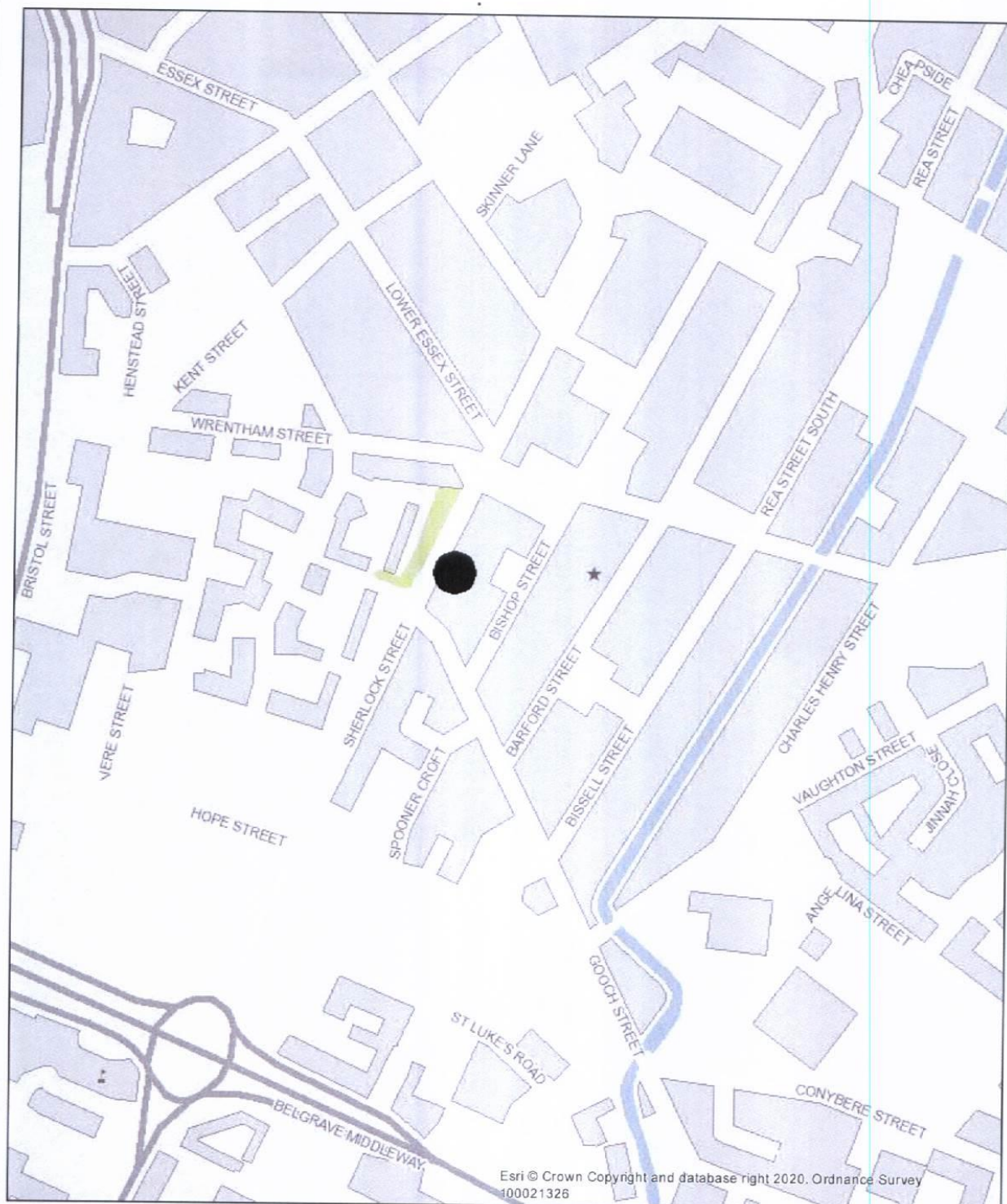
**UNIT 2210, APPLEBERRY FOODS, ACCESS SELF STORAGE, APPLEBERRY
FOODS, 180 SHERLOCK STREET, BIRMINGHAM
B5 7EH**

That the application by Bhavinkumar Inamdar for a premises licence in respect of Unit 2210, Appleberry Foods, Access Self Storage, Appleberry Foods, 180 Sherlock Street, Birmingham B5 7EH, be adjourned.

The applicant's agent was unable to attend the online meeting due to unforeseen circumstances and it was therefore decided, having sought the views of West Midlands Police, that the hearing shall be adjourned to:

Wednesday 3rd February 2021, at 10.00 hours. This will be an online meeting conducted via Microsoft Teams.

West Midlands Police did not object to the application for an adjournment.



Birmingham
City Council

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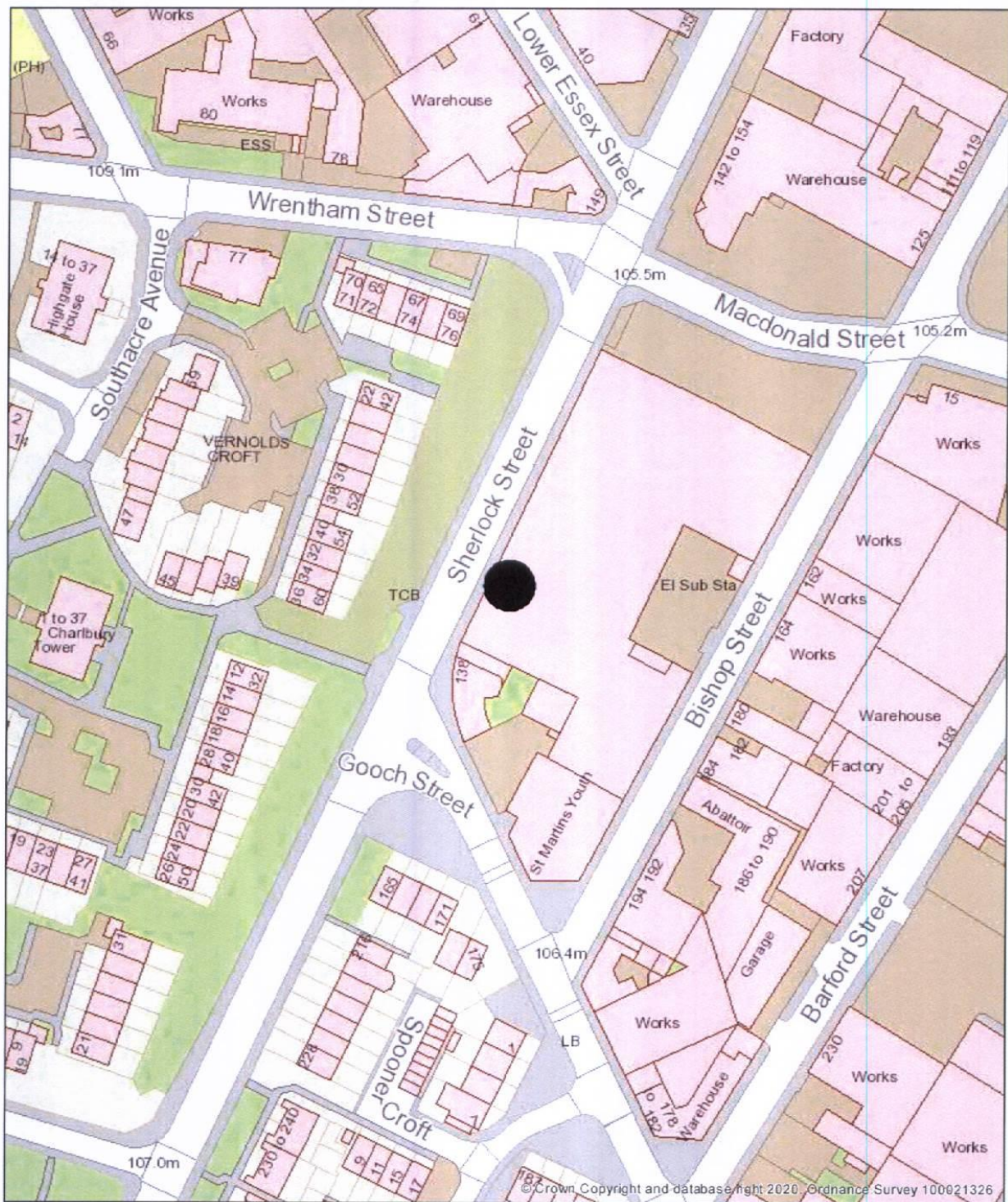
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Birmingham
City Council

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