

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 24 MAY 2023 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Public-I microsite ([please click this link](#)) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

5 - 36

4 **MINUTES**

To confirm and sign the Minutes of the meeting held on 22 December 2021 at 1000 hours.

To note the public part of the Minutes of the meeting held on 22 February 2023 at 1200 hours.

To note the public part of the Minutes of the meeting held on 17 March 2023 at 1000 hours.

To note the public part of the Minutes of the meeting held on 12 April 2023 at 1000 hours.

37 - 86

5 **LICENSING ACT 2003 PREMISES LICENCE – GRANT PUNJABI DHABA, 124 BILLESLEY LANE, KINGS HEATH, BIRMINGHAM, B13 9RD**

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

87 - 100

6 **GAMBLING ACT 2005 LICENSED PREMISES GAMING MACHINE PERMIT THE ARTHUR ROBERTSON, ONE STOP SHOPPING CENTRE, PERRY BARR, BIRMINGHAM, B42 1AA**

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

7 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

8 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

PRIVATE AGENDA

1 MINUTES

To note the private part of the Minutes of the meeting held on 22 February 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 17 March 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 12 April 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

2 OTHER URGENT BUSINESS (EXEMPT INFORMATION)

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

BIRMINGHAM CITY COUNCIL

**LICENSING
SUB-COMMITTEE C
WEDNESDAY 22
FEBRUARY 2023**

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 22 FEBRUARY 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Diane Donaldson and Izzy Knowles.

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/220223 **NOTICE OF RECORDING/WEBCAST**

The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/220223 **DECLARATION OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an

interests flowchart which provides a simple guide to declaring interests at meetings.

Councillor Sam Forsyth declared that she knew Mr Duncan Craig in a professional capacity.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/220223 Apologies were submitted on behalf of Councillors Iqbal and Wagg and Councillors Donaldson and Knowles were the nominated substitute Members, respectively.

MINUTES

4/220223 The Minutes of the meeting held on 11 January 2023 1000 hours were confirmed and signed by the Chair.

**LICENSING ACT 2003 PREMISES LICENCE – REVIEW – S.A.T.
CONVENIENCE STORE, 29 HUNTERS ROAD, LOZELLS, BIRMINGHAM, B19
1DP.**

On Behalf of the Applicant

Paul Ellson – TS (Trading Standards)

On Behalf of the Premises Licence Holder

Duncan Craig – Barrister, Citadel Chambers
Tesfu Asmelash – PLH (Premises Licence Holder)
Mr Abraham ChiChi Ne – Translator (Language - Tigrinya)

* * *

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

After various discussions with all parties, Duncan Craig informed the Committee that he had been formally instructed to request for the meeting to be held in private due to the on-going criminal proceedings.

All parties agreed.

Following a short adjournment to seek legal advice, the Committee resolved that the hearing would be held in private to ensure that no sensitive material ended up in the public domain and subsequently hindering the criminal proceedings.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited David Kennedy to present his report. David Kennedy, Licensing Section, outlined the report.

At this stage the public were excluded from the hearing.

EXCLUSION OF THE PUBLIC

5/220223

RESOLVED:-

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was sent to all parties as follows;

6/220223

RESOLVED:-

That, having reviewed the premises licence held under the Licensing Act 2003 by Mr Tesfu Asmelash, in respect of S.A.T. Convenience Store, 29 Hunters Road, Lozells, Birmingham B19 1DP, upon the application of the Chief Officer of Weights and Measures, this Sub-Committee hereby determines:

A. That the licence be suspended for a period of two weeks, in order to promote the licensing objectives in the Act of the prevention of crime and disorder and the protection of children from harm, and in order to give the licence holder sufficient time to make proper arrangements regarding implementation of the additional conditions (as below), and for the premises to prepare for safe trading

B. That the conditions of the licence shall be modified by the addition of those conditions proposed by counsel for the premises licence holder and agreed by the applicant (see below)

C. That the conditions of the licence shall be further modified by the removal of some of the existing conditions, as proposed by counsel for the premises licence holder and agreed by the applicant (see below)

Conditions to be added to the licence:

GENERAL

1. Alcoholic drinks in open containers may not be removed from the premises.

CCTV

2. A digital Closed Circuit Television System (CCTV) will be installed

and maintained in good working order and be correctly time and date stamped.

- i. The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
- ii. CCTV will be capable of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.
- iii. Cameras will encompass all ingress and egress to the premises, the immediate area outside the frontage of the Premises and all areas where the sale/supply of alcohol occurs.
- iv. The system will record and retain CCTV footage for a minimum of 28 days.
- v. The system will record at all times when the Premises are open.
- vi. The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.
- vii. The Digital recorder will be password protected to prevent unauthorised access, tampering, or deletion of images.
- viii. There will be at all times, when the premises is open, a member of staff on duty with access to the CCTV system who is trained in the use of the equipment.
- ix. Upon receipt of a request for a copy of CCTV footage from Police, or Officers of any other Responsible Authority, the member of staff will produce the footage within 24 hours, or less if urgently required for investigations of serious crime.
- x. CCTV footage must be made available to be viewed by West Midlands Police or an Officer of a Responsible Authority upon request or during an inspection.

INCIDENT BOOK

3. An incident book must be kept at the Premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:

- i. Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
- ii. All crimes reported to the venue
- iii. Any faults in the CCTV system, searching equipment or scanning equipment
- iv. Any visit by a responsible authority or emergency service

The incident book must be kept at the premises and made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

REFUSALS REGISTER

4. A refusals register must be kept at the Premises and maintained up to date at all times recording the date time, type of product refused, reasons for every refusal to sell alcohol or any other age restricted product to a customer and the name and signature of member of staff refusing the sale.

5. The refusals record must be made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

6. The Premises Licence Holder or the Designated Premises Supervisor must monitor the Refusals Register every month and must

sign and date the Refusals Register when this has been completed, or if the Refusals Register is electronic the check and date and time of the check must be clearly recorded.

TRAINING

7. Training in relation to the Licensing Objectives and the conditions on the premises licence, Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers and incident records must be provided and undertaken by all members of staff (whether paid or unpaid) before he / she makes a sale or supply of alcohol and at least every six months thereafter.

8. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.

9. Documented training records must be kept at the premises and made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection.

THE PREVENTION OF PUBLIC NUISANCE

10. Deliveries to the premises will only take place between 09:00 and 18:00.

PUBLIC SAFETY

11. The Licence Holder shall ensure that all emergency lighting is checked on a weekly basis. Entrances, exits and passageways shall be kept clear.

12. The premises' Fire Risk Assessment will be made available to any officer of a responsible authority upon request.

13. The Licence Holder shall ensure that the maximum number of persons on the premises at any one time shall not exceed the number agreed with West Midlands Fire Service.

THE PROTECTION OF CHILDREN FROM HARM

14. The premises licence holder shall adopt the Challenge 25 scheme and appropriate signage will be placed at the entrance to the premises. The premises will operate a policy whereby any person attempting to buy age-restricted products who appears to be under 25 will be asked for photographic ID to prove their age. The ID that will be accepted is a passport or driving licence with a photograph.

15. The premises licence holder shall display Challenge 25 posters in prominent positions within the premises, including at the point of sale and the entrance to the premises.

Conditions to be removed from the licence:

- All staff will be provided training on the four Licensing Objectives and Challenge 25 including appropriate age verification
- All training will be recorded and each member of staff will sign and date the training records along with the person who has provided the training
- The training records will be kept on site and made available for the responsible authorities to view
- Refresher training will be provided every 6 months

- The premises licence holder shall install and maintain CCTV cameras which will cover both inside and outside the shop. CCTV will be recording at all times the premises are open for any licensable activities and images will be held for a minimum of 28 days and made available immediately on request by any of the Responsible Authorities. The Premises License Holder will ensure that a trained member of staff will be on duty and be available to download the CCTV to any of the Responsible Authorities
- An incident log will be maintained
- All deliveries will be conducted during daytime to control noise nuisance
- All deliveries will be received during daytime prior to 6pm to control noise nuisance. In conjunctions with the steps proposed for the prevention of crime and disorder objectives, the premises licence holder and staff will at all times remain responsible for the prevention of public nuisance in and around the premises
- A Challenge 25 policy will be strictly followed by all staff
- The Designated Premises Supervisor and staff will at all times remain aware of their responsibilities, including that alcohol shall not be sold to anyone under the age of 18 years. Staff on duty will be trained and made aware of a Challenge 25 policy and the requirements and the need to demand an acceptable form of age ID
- A refusals register will be maintained and signed off by the DPS every six months, this will be made available to the responsible authorities upon request
- The premises licence holder shall ensure there is strong management and security procedures in place which encompasses the four licensing objectives
- The premises licence holder will fully support any directives received from the authorities
- Floor staff will conduct physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the premises licence holder
- The Designated Premises Supervisor will arrange to monitor levels from both inside and outside the premises and remedial action will be taken as appropriate

The meeting was conducted in private session after the Sub-Committee considered an application made by counsel for the premises licence holder under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. Counsel noted that an investigation by Trading Standards was under way, and considered that in the circumstances it was best to hold the meeting in private. The officer from Trading Standards supported the application for the entire hearing to be held in private. The Sub-Committee therefore agreed to hold the meeting in private session.

The Sub-Committee's reasons for imposing the sanction of suspension together with additional conditions were due to concerns expressed by Trading Standards. An officer from Trading Standards attended the meeting to address the Sub-Committee. The licence holder also

attended, with an interpreter, and was represented in the meeting by counsel.

The officer from Trading Standards made submissions relating to the failed test purchase which had happened on the 25th October 2022 - exactly as described in the Committee Report. The test purchase operation had been carried out to check the sale of e-cigarettes or “vapes” to underage persons, namely those under 18 years of age.

The officer had seen the proposed new conditions submitted by counsel for the licence holder in advance of the meeting. The recommendation from Trading Standards was for a suspension of the licence and a retraining of all those working at the premises. It appeared to the officer that the licence holder had become overwhelmed, and that there had perhaps been language difficulties leading to a failure to understand the responsibilities relating to sales of age-restricted products; for this reason the officer considered that retraining would be the correct course. The premises was a small family business, and a suspension would give time for the retraining and for a period of reflection which would enable the premises to reopen and trade safely.

Counsel for the licence holder then addressed the Sub-Committee. Counsel had noted an increase in reports of issues with sales of age-restricted items, such as vape products; such sales were not a licensable activity. Moreover, he had observed from the News that even national supermarket chains had experienced confusion over the requirements when selling vape goods.

Since January 2023, the premises’ management had been making improvements to the operating style; these were shown in the photographs included in the Committee Report. However, counsel acknowledged that language difficulties had perhaps been a reason for the problems. It was acknowledged that the employee who had made the sale of an age-restricted product to a minor had shown a degree of carelessness.

Counsel had drafted the new conditions as he considered that, of the existing conditions, only some served any purpose. The new CCTV condition was much more precise and enforceable; the same was true regarding training, the incident book and the refusals book. Some of the other conditions on the licence were vague, so these had been tightened up – for example, deliveries would now be conducted between stated hours. There were also conditions relating to the public safety objective, and a Challenge 25 requirement.

Counsel had also identified other conditions which he felt ought to be removed from the licence due to being vague and unenforceable. This would tidy the licence up in order that it would be clear, precise and enforceable.

Counsel accepted that there should be a period of suspension, and requested that this should be for two weeks. Some steps had already been taken, as per the photographs in the Report, and Trading Standards had said that the failure had not been catastrophic. Two weeks would be sufficient to carry out the training, which would be conducted by a professional trainer.

Counsel observed that there was therefore an agreed position between Trading Standards and the licence holder – namely to suspend the licence and to impose new conditions; he therefore considered that it would be unnecessary to take any further steps, such as the removal of the designated premises supervisor. The premises was the licence holder's first business, and since January 2023 he had been doing his best to implement the improvements; the licence holder apologised for the failed test purchase and was keen to continue towards ensuring that he could trade safely. The four members of staff at the premises would be retrained; the person who had made the underage sale was not employed at the premises.

In summing up, Trading Standards agreed with all that counsel had said and approved of the redrafting of the licence conditions which were now clear and direct. Counsel directed the attention of the Members to paragraph 9.43 of the Guidance issued under s182 of the Act in reminding them that any determination should be evidence based, justified and proportionate. The licence holder had not come to the attention of the Sub-Committee before, and the underage sale had simply been due to carelessness.

When deliberating, the Sub-Committee was aware that under paragraph 11.20 of the Guidance issued under s182 of the Act it should seek to establish the cause of the concerns that the representations identified, and that the remedial action taken should generally be directed at those causes, and should always be no more than an appropriate and proportionate response to address the causes of concern that had instigated the Review.

Bearing this in mind, the Sub-Committee reflected carefully on the guidance given in paragraph 11.20 when making its decision. The Members carefully reviewed the submissions of Trading Standards. The recommendation of Trading Standards had been the adoption of the new conditions, and a period of suspension. The Sub-Committee considered this to be a sensible course to ensure that the premises could uphold the licensing objectives, and felt that it was important that there should be sufficient time for the licence holder to get everything in order properly, with the assistance of an independent trainer, before resuming trading with all the new measures in place.

The Sub-Committee therefore resolved that a suspension of the licence for two weeks would give proper time for all the conditions, in particular the training of all staff including the licence holder, to be implemented. Thereafter, the premises could reopen safely.

The Sub-Committee considers the conditions, and the two-week suspension to give sufficient time to implement the measures, to be appropriate, reasonable and proportionate (as per paragraph 11.20 of the Guidance issued under s182 of the Act) to address the concerns raised by Trading Standards.

In addition to the above conditions, the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the application for Review, the written representations received and the submissions made at the hearing by Trading Standards and by counsel for the premises licence holder.

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

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the appeal is determined.

**GAMBLING ACT 2005 – LICENSED PREMISES GAMING MACHINE PERMIT –
TWELTH MAN, 17 HOLLIES CROFT, EDGBASTON, BIRMINGHAM, B5 7QN**

* * *

The Chair introduced the Members and officers present, outlined the procedure to be followed at the hearing and invited David Kennedy to present his report. David Kennedy, Licensing Section, outlined the report.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was sent to all parties as follows;

7/220223

RESOLVED:-

That the application by Stonegate Group on behalf of The Craft Union Pub Company Limited, for the variation of a Licensed Premises Gaming Machine

Permit in respect of Twelfth Man, 17 Hollies Croft, Edgbaston, Birmingham B5 7QN, be granted.

The Sub-Committee deliberated the application put forward by the applicant company. The Sub-Committee considered the likely impact of the application, and concluded that by granting this application, the three licensing objectives contained in the Act will be properly promoted.

The application was to operate a total of five Category C Gaming Machines within an alcohol licensed premises. Licensing Enforcement had confirmed that they had not found any issues after carrying out a site visit. The Sub-Committee therefore granted the variation as requested.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Principles, the Guidance issued under section 25 of the Gambling Act 2005 by the Commission, the application for a Licensed Premises Gaming Machine Permit, and the written representations received.

Meeting ended at 1131 hours.

CHAIR.....

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE C 17 MARCH 2023</p>

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON FRIDAY 17 MARCH 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Diane Donaldson and Izzy Knowles.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/170323 **NOTICE OF RECORDING/WEBCAST**

The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/170323 **DECLARATION OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/170323

Apologies were submitted on behalf of Councillors Penny Wagg and Zafar Iqbal and Councillors Diane Donaldson and Izzy Knowles were the nominated substitute Members.

LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION ACT 2006 – APPLICATION FOR EXPEDITED REVIEW OF PREMISES LICENCE: CONSIDERATION OF INTERIM STEPS – GREAT WESTERN HOTEL, 10 YARDLEY ROAD, BIRMINGHAM, B27 6EB.

On Behalf of the Applicant

Chris Jones – WMP (West Midlands Police)
Ben Reader – WMP

On Behalf of the Premises Licence Holder

Richard Taylor – Solicitor
Joanne Hipkiss - PLH

* * *

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

Richard Taylor, Council on behalf of the licensee requested that the hearing be held in private due to conversations with WMP (that they would request the hearing be held in private due to on-going criminal investigations). Due to an on-going civil matter they also requested it be held in private due to the on-going trial.

Chris Jones, WMP, confirmed that they were requesting the hearing be held in private and had no objections to Counsels request.

After a short adjournment to consider the request the Chair agreed that the hearing would be held in private.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Bhapinder Nandhra, Licensing Section, outlined the report.

At this stage the Members, officers and other parties joined a separate MS Teams meeting which was held privately.

EXCLUSION OF THE PUBLIC

4/170323

RESOLVED:-

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision of the Sub-Committee was announced in public, then a full written decision was sent to all parties as follows;

5/170323

RESOLVED:-

That having considered the application made and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by EI Group PLC in respect of Great Western Hotel, 10 Yardley Road, Birmingham B27 6EB, this Sub-Committee determines:

- that the licence be suspended pending a review of the licence, such a review to be held within 28 days of receiving the Chief Officer of Police's application

The Sub-Committee's reasons for imposing the interim step were due to the concerns which were expressed by West Midlands Police in relation to matters pertaining to serious crime, which had come to light as outlined in the Chief Superintendent's certificate and application. The Sub-Committee determined that the cause of the serious crime was likely to have originated from an operating style which had failed to uphold the licensing objectives.

The meeting was conducted in private session after the Sub-Committee considered an application made by the licence holder's solicitor under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. West Midlands Police supported the application to hear the evidence in private session due to the ongoing criminal investigation. The Sub-Committee therefore agreed to hear the evidence in private session.

Members heard the submissions of West Midlands Police, namely that the certificate, which had been issued by a Chief Superintendent under s53A(1)(b) of the Act, related to an allegation of serious crime which had happened inside the premises. The Police summarised the investigation thus far – exactly as detailed in the Report. It was the

advice of the Police that the interim step of suspension was required in order to deal with the causes of the serious crime. A criminal investigation was under way.

The premises was a large public house, with a front bar area and a larger rear room. On Monday 13th March 2023, at approximately 21.35 hours, there had been a serious disorder at the premises which had resulted in an assault under s18 of the Offences Against the Person Act 1861. That offence met the definition of “serious crime” under s81 of the Regulation of Investigatory Powers Act 2000.

The disorder had taken place within the licence premises. Pool cues, pool balls and bottles had been used against the victim. CCTV had been viewed by the Police; this was shown to the Sub-Committee in private session.

West Midlands Police had spoken to those at the premises licence holder company, and had noted that those at the company had been “open and honest”. Due to a dispute between the licence holder and the tenant of the premises, the licence holder was unable to influence the operation of the premises. The Police therefore had serious concerns that the licensing objectives would not be promoted if the premises continued to trade, and in particular that there was a risk of further serious crime; for this reason the Police recommendation was that the licence should be suspended.

The Sub-Committee then heard from the solicitor acting for the licence holder. He explained that licence holder had cooperated with Police, and intended to continue to do so; he confirmed that the licence holder did not object to the course proposed by the Police, namely the suspension of the licence pending the full review hearing.

In deliberating, the Sub-Committee determined that there had been a serious crime incident, which was being investigated by Police. It was clear that the operation was not being run in accordance with the licensing objectives. The Sub-Committee noted that the Police had advised that the licence should be suspended “to avoid a serious risk of harm”.

The Sub-Committee found the Police recommendation to be the proper course, and determined that it was both necessary and reasonable to impose the interim step of suspension of the licence to address the immediate problems with the premises, namely the potential for further serious crime.

The Sub-Committee did not consider whether it could impose alternative interim steps as there had been no objection to the suspension from the solicitor for the licence holder. The solicitor observed that there had not been any issues before the incident of the 13th March 2023, and the premises had not been any cause for concern to the Police.

Whilst announcing the decision at the end of the meeting, the Chair of the Sub-Committee invited the Police to inform the designated premises supervisor of the decision. The Police confirmed that they would notify the designated premises supervisor today.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office under s182 of the Act, the written submissions made, and the submissions made at the hearing by West Midlands Police, and by the solicitor representing the licence holder.

All parties are advised that the premises licence holder may make representations against the interim steps taken by the Licensing Authority. On receipt of such representations, the Licensing Authority must hold a hearing within 48 hours.

All parties are advised that there is no right of appeal to a Magistrates' Court against the Licensing Authority's decision at this stage.

Please note the meeting ended at 1116 hours.

CHAIR.....

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 12 APRIL 2023
--

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 12 APRIL 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Zafar Iqbal and Izzy Knowles.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/120423 **NOTICE OF RECORDING/WEBCAST**

The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/120423 **DECLARATION OF INTERESTS**

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an

interests flowchart which provides a simple guide to declaring interests at meetings.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/120423 Apologies were submitted on behalf of Councillors Penny Wagg and Councillor Izzy Knowles was the nominated substitute Member.

LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW – GREAT WESTERN HOTEL, 10 YARDLEY ROAD, ACOCKS GREEN, BIRMINGHAM, B27 6EB.

On Behalf of the Applicant

Chris Jones – WMP (West Midlands Police)
Ben Reader – WMP

On Behalf of the Premises Licence Holder

Richard Taylor – Solicitor
Joanne Hipkiss – Licensing Manager

* * *

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

Chris Jones, on behalf of WMP made an application that should the Committee wish to see the CCTV footage, then it should be screened in private due to the on-going live investigation.

The PLH representative advised that they had no objection to the application and that the parties were in an agreed position, they were not intending to dispute the facts.

After a short adjournment to consider the request the Chair advised that the hearing would be held in private due to the on-going live investigation and to ensure fairness to both parties. Councillor Iqbal also needed to view the CCTV footage.

At this stage, the Chair outlined the procedure to be followed at the hearing and invited the Licensing Officer to present his report. Bhapinder Nandhra, Licensing Section, outlined the report.

At this stage the Members, officers and other parties joined a separate MS Teams meeting which was held privately.

EXCLUSION OF THE PUBLIC

4/120423

RESOLVED:-

That in accordance with Regulation 14 of the Licensing Act 2003 (Hearing) Regulations 2005, the public be excluded from the hearing due to the sensitive nature of the evidence to be presented.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the short decision of the Sub-Committee was announced in public, then a full written decision was sent to all parties as follows;

5/120423

RESOLVED:-

That having reviewed the premises licence held under the Licensing Act 2003 by EI Group PLC in respect of Great Western Hotel, 10 Yardley Road, Birmingham B27 6EB, following an application for an expedited review made by a Superintendent of West Midlands Police, this Sub-Committee hereby determines that:

-
- the designated premises supervisor [DPS] is removed
 - the interim step of suspension of the licence, imposed at the Interim Steps meeting of 17th March 2023, is lifted
 - the nine conditions which were agreed between the licence holder company and West Midlands Police in advance of the meeting shall be adopted both as a modified interim step and as the substantive decision following the review of the licence. Those nine agreed conditions are as follows:
-

- i. The premises will not carry out any licensable activity until the premises licence holder has influence over the operation of the premises and is in a position to promote the licensing objectives, together with liaison with the DPS. Any recommencement of licensable activity at the premises is to be confirmed via an email to West Midlands Police Central Licensing Team, from the premises licence holders. This confirmation will be sent a minimum of 48 hours prior to the recommencement of any licensable activity on the premises
- ii. The DPS or their nominated person will check the CCTV system daily, to ensure it is working and recording. This check to be documented, timed, signed and dated by the person checking. This documentation to be made immediately available to any of the responsible authorities on request
- iii. CCTV will be installed/updated to the specifications and recommendations of West Midlands Police. CCTV will record throughout the whole of the licensable activity, store recordings for a

minimum of 28 days, show the correct time & date stamp and be downloadable. CCTV to be made immediately available to any of the responsible authorities on request

iv. The premises will have a written vulnerability policy. All staff working in the premises while it is carrying out licensable activity will be trained in this policy, prior to their first shift. Training records will be dated and signed by the trainer and trainee – unless held electronically. These training records will be made immediately available to any of the responsible authorities on request

v. All staff (with the exception of personal licence holders) will be trained in their responsibilities under the Licensing Act 2003 and Challenge 25 policy, prior to their first shift. Training records will be dated and signed by the trainer and trainee – unless held electronically. These training records will be made immediately available to any of the responsible authorities on request

vi. The DPS and duty managers will be trained in (crime) scene management. There will always be a member of staff on duty at the premises who has had this training. These training records will be made immediately available to any of the responsible authorities on request. Training records will be dated and signed by the trainer and trainee – unless held electronically

vii. The premises will keep an incident book and record all instances of crime, disorder, ejections and ASB at the premises, whether the emergency services are contacted or not. This report to be completed as soon after the incident as possible but at the latest at the end of licensable activity for that day. This log will be signed off weekly by the DPS, unless held electronically. This log will be made immediately available to any of the responsible authorities on request

viii. A refusals log will be kept on the premises. All refusals of the sale of alcohol will be recorded. This log will be signed off weekly by the DPS, unless held electronically. This log will be made immediately available to any of the responsible authorities on request

ix. The premises will operate a Challenge 25 policy. Only photographic ID with a hologram logo will be acceptable under this policy. Prominent signage will be displayed within the premises at the bar serving area(s) regarding this policy

The Sub-Committee's reasons for this determination were due to the recommendation from West Midlands Police in relation to matters pertaining to serious crime, which had come to light as outlined in the Superintendent's certificate and application. The Sub-Committee had determined at the Interim Steps meeting of 17th March 2023 that the cause of the serious crime was likely to have originated from an operating style which had failed to uphold the licensing objectives.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. West Midlands Police stated that an agreed position had been reached between the parties, but reminded the Sub-Committee of the ongoing criminal investigation, and of the CCTV

evidence showing the violent incident inside the premises. The solicitor for the licence holder company confirmed that the parties had indeed arrived at an agreed position, and observed that the CCTV had been played at the Interim Steps meeting.

However, one of the three Members in the meeting had not been part of the panel for the Interim Steps meeting. The Sub-Committee therefore decided to hold the meeting in private session so that the CCTV could be played for the third Member to see the incident, and in order that questions could be asked. The CCTV was played twice (the second time with the Police commenting on what was shown).

Members then heard the submissions of West Midlands Police, namely that the criminal investigation was ongoing. The Police had spoken to the DPS, and had also spoken to those at the premises licence holder company. They had found those at the company to be “honest and transparent”.

The Police therefore did not have concerns with the venue; however, due to the ongoing legal dispute between the licence holder company and the tenant of the premises, the licence holder was unable to influence the operation of the premises, as there was no working relationship between the licence holder and the tenant. Accordingly, the Police had held discussions with the licence holder company to agree suitable conditions, such that the licence could remain in force and the premises could reopen in due course.

The Police had noted that the licence holder company intended to invite the Sub-Committee to remove the DPS; the Police confirmed that they did not object to this course, as it was important that the licence holder company should have influence over the DPS. Once proper arrangements were in place, the Police would be content that trading could resume with the agreed conditions added to the licence. The Police also confirmed that they felt that the interim step of suspension imposed on 17th March 2023 should be lifted.

The Sub-Committee then heard from the solicitor acting for the licence holder company. He remarked that the Expedited Review process had only been necessary because the licence holder company had no relationship with the tenant, due to the ongoing litigation. Conditions had been agreed with the Police, and in addition the licence holder company requested that the Sub-Committee remove the DPS as “an extra insurance”. The licence holder company also volunteered an undertaking that it would not specify a new DPS until it had recovered the premises and transferred the licence to a new tenant. The solicitor requested that the Sub-Committee lift the suspension so that the venue could reopen once a new operator was in place.

The solicitor directed the attention of the Sub-Committee to paragraph 11.20 of the Guidance issued by the Home Office under s182 of the Act, which recommended that Sub-Committees should seek to

establish the cause or causes of the concerns; thereafter the remedial action taken should generally be directed at the causes, and should always be no more than an appropriate and proportionate response to address the causes of concern that had instigated the Review. The solicitor said that the 'cause' in the instant matter was the fact that the licence holder company could not impose its will on the tenant, due to the ongoing legal dispute.

The solicitor also reminded the Members of the recommendation in paragraph 9.43 of the Guidance - namely that "their determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve". He remarked that the only proportionate thing to do was to impose the agreed conditions, which would have the effect of ensuring that the venue could not trade until the licence holder company had regained control following the conclusion of the legal dispute.

The solicitor concluded by remarking that any other disposal, in particular the revocation of the premises licence, would serve only to punish the licence holder company when the current circumstances, namely the ongoing litigation with its tenant, were a matter completely beyond the licence holder company's control.

In deliberating, the Sub-Committee determined that there had been a serious crime incident, which was being investigated by Police. However, the Police had not found the licence holder company to be in any way unsatisfactory, and instead had recommended that the licence conditions be modified so that the premises could resume trading once the necessary arrangements had been made.

The Sub-Committee reflected carefully on the solicitor's comments about the Guidance issued under s182 of the Act, and found that the imposition of the agreed conditions was the proper course. The Sub-Committee also determined that it was correct to remove the DPS, and to lift the suspension which had been imposed as an interim step at the last meeting. The Members agreed with the parties that this course was the most reasonable and proportionate way to deal with the matter, and which followed the Guidance issued under s182 of the Act.

The Sub-Committee agreed with the solicitor that revocation of the licence would be a draconian punishment, which would not have taken into account the fact that the Police had declared that the licence holder company had not been any cause for concern to them - indeed, the Sub-Committee noted that the Police had remarked that those at the licence holder company had been open, honest and transparent in all their dealings with the Police. The Sub-Committee was therefore confident that the course that had been agreed between the parties was the correct way forward.

The Sub-Committee noted the voluntary undertaking given by the

licence holder company during the meeting – namely that it would not specify a new DPS until it had recovered the premises and transferred the licence to a new tenant. The Sub-Committee therefore considered it prudent to adopt the agreed conditions both as a modified interim step and as the substantive decision following the review of the licence.

In addition to the agreed conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the latest version of the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the application and certificate issued by West Midlands Police under section 53A of the Licensing Act 2003, the written representations, and the submissions made at the hearing by West Midlands Police, and by the solicitor acting for the licence holder company.

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

The determination of the Sub-Committee, save for the imposition of the agreed conditions as a modified interim step, does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the determination of the appeal.

Please note the meeting ended at 1117 hours.

CHAIR.....

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE WEDNESDAY 22 DECEMBER 2021

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE
A HELD ON WEDNESDAY 22 DECEMBER 2021 AT 1200 HOURS
AS AN ON-LINE MEETING.**

PRESENT: - Councillor Nicky Brennan in the Chair;

Councillors Mike Ward and Martin Straker Welds.

ALSO PRESENT

Shaid Yasser – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/221221

NOTICE OF RECORDING/WEBCAST

The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/221221

DECLARATION OF INTERESTS

Members are reminded they must declare all relevant pecuniary and other registerable interests arising from any business to be discussed at this meeting.

If a disclosable pecuniary interest is declared a Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

If other registerable interests are declared a Member may speak on the matter only if members of the public are allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

Licensing Sub-Committee C – 22 December 2021

- 3/221221 If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.
Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an interests flowchart which provides a simple guide to declaring interests at meetings.
-

4/221221 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

Apologies were submitted on behalf of Councillor Mary Locke.
Councillor Martin Straker Welds was the nominated substitute.

5/221221 **LICENSING ACT 2003 PREMISES LICENCE – TRANSFER DC MINIMARKET, 138 CHURCH ROAD, YARDLEY, BIRMINGHAM, B25 8UT**

LICENSING ACT 2003 PREMISES LICENCE – APPLICATION TO VARY A PREMISES LICENCE TO SPECIFY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR DC MINIMARKET, 138 CHURCH ROAD, YARDLEY, BIRMINGHAM, B25 8UT

Those Making Representations

Mark Swallows – West Midlands Police

The Chair introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

The Chair then explained the hearing procedure prior to inviting the Senior Licensing Officer, Shaïd Yasser, to outline the report.

The Chair invited those making representations to make their submission and Mark Swallows, on behalf of West Midlands Police, made the following statements:-

- a) The premises licence for the shop was revoked by Licensing Committee C on 4th August 2021 after an application made by Birmingham Trading Standards due to counterfeit and illicit tobacco products being found on the premises. 107 packets of tobaccos, mixed between counterfeit and non-duty paid tobacco.
- b) At that hearing the Designated Premises Supervisor (DPS) was removed by the committee/
- c) West Midlands Police supported Trading Standards' call for the licence to be revoked and made representations at the hearing.
- d) The decision by the Licensing Sub-Committee was being appealed. This was due to be heard at Birmingham Magistrates Court on 6th January 2022.

Licensing Sub-Committee C – 22 December 2021

- e) Due to the fact that the premises licence had been revoked and the DPS removed, West Midlands Police were concerned that this application for the two transfers submitted on 22nd November 2021 may be a subterfuge and the current applicant may be a figurehead meaning that the previous DPS would effectively still have control of the business.
- f) In order to allay those fears West Midlands Police had to work with the applicant via his agent. West Midlands Police made a request that either a signed lease or ownership of the premises, signed solicitors letters or documents for the transfer of the business or copies of money transfers between the parties and a copy of the business rates and who has responsibility for payment of them be made available. This would show that this was a genuine transfer.
- g) The aforementioned documents were requested on 23rd November 2021 and were not forthcoming. A reminder email was sent on 1st December 2021.
- h) Christopher Jones, Licensing Officer, then had a conversation with the agent for the applicant on 2nd December 2021 who informed Mr Jones that he was still awaiting an update from his client. These updates had not been forthcoming.
- i) The Agent no longer represented the applicant.
- j) The aforementioned documentation had not come to West Midlands Police or been submitted to the Sub-Committee for examination.
- k) The applicant had not submitted themselves for cross-examination from the Sub-Committee.

Members were invited to ask questions and Mark Swallows, on behalf of West Midlands Police, gave the following responses: -

- a) The failure to provide documents that would be relatively easy to come by to demonstrate that the transfer was genuine and above board raised questions. The documentation would have to exist for the transfer of the business to take place. If any of the documentation did not take place then the transfer had not taken place and the business was still with the original owner.
- b) In his experience, such documents are forthcoming in other cases unless there has been a reason for them not to, i.e. it is not a genuine transaction. Any decision to grant this transfer would be an act of faith by the Sub-Committee and not based on any documentation that proves the good faith of the applicant.

The Chair then invited the parties to make a closing submission.

Licensing Sub-Committee C – 22 December 2021

Mark Swallows, on behalf of West Midlands Police, made the following closing statements:-

- This was an application for the transfer of a premises licence and DPS to a new applicant.
- West Midlands Police had asked for documentary evidence to prove that this was a genuine transaction and that the applicant was the person who would have genuine control of the business.
- The documentation had not been forthcoming and no reason has been shown as to why it was not forthcoming.
- The Sub-Committee were asked not to grant the licence as he believed it was not a genuine transaction and that the previous owner would still have significant interest in the business which would be against the licensing objectives.

6/221221

RESOLVED

That the application under section 39 of the Licensing Act 2003 by Sharifnejad Abubakr, to vary the premises licence to specify Sharifnejad Abubakr as the designated premises supervisor in respect of DC Minimarket, 138 Church Road, Yardley, Birmingham B25 8UT, be refused on the grounds that the application to vary would undermine the crime prevention objective in the Act, as the Sub-Committee had no confidence whatsoever that the applicant was capable of upholding it.

The Sub-Committee noted that the applicant did not attend the meeting; nor was he represented. The applicant had been informed by the Licensing Department of the City Council that the matter could be heard in his absence if he did not attend. The Sub-Committee proceeded with the meeting in the public interest.

The Sub-Committee heard from West Midlands Police, and considered the Police's grounds for objection to be compelling and exceptional. The Police made detailed submissions about how the instant application had followed a Sub-Committee meeting held on the 4th August 2021, when the licence had been held by a Mr Sheikhehpour.

At the Sub-Committee meeting of the 4th August 2021, the Sub-Committee had been informed that illicit tobacco had been found at the shop. The Sub-Committee had therefore revoked the licence forthwith. Mr Sheikhehpour had been the person named as the designated premises supervisor for the shop; accordingly the Sub-Committee had also removed him from that role.

However, the Police observed to the Sub-Committee that there was a suspicion that the instant application might not be all it seemed. Requests for the documents (to show that Mr Abubakr had formally taken over the premises) had been requested, but had not been forthcoming. These documents should have been readily to hand; as the Police remarked, after licence revocations, transfers were entirely usual, and where

Licensing Sub-Committee C – 22 December 2021

there had been genuine transactions, the documents were always produced without problems. Without seeing the documents, the Police were concerned that there could be some subterfuge - perhaps using Mr Abubakr as the named person whilst Mr Sheikhehpour remained the person in control.

The Police noted that Mr Sheikhehpour had presided over an unsatisfactory operation which had undermined the licensing objectives in Yardley. The Police were therefore not prepared to countenance any risk at all of a continuing involvement by him in the management of the shop. Mr Abubakr had been asked to supply the documents, yet he had not, and he had also failed to attend the Sub-Committee meeting.

Regarding Mr Abubakr acting as designated premises supervisor, there would be no confidence from the Police in his ability to promote and uphold the licensing objectives unless and until he was able to show that Mr Sheikhehpour was no longer anything to do with the shop. Accordingly the Police objected to Mr Abubakr's application, on the grounds that the crime prevention objective was not at all likely to be upheld by him. The Sub-Committee accepted this. It was the Police advice that the application should be refused. Accordingly the Sub-Committee determined that the correct course was to reject the variation application, in order to ensure that the crime prevention objective was not undermined.

In reaching this decision, the Sub-Committee gave due consideration to the information contained in the application, the objection notice submitted under section 37(5) of the Act, and the submissions made at the hearing by West Midlands Police. Regard was also given to paragraphs 4.31 to 4.41 of the Guidance issued under section 182 of the Act by the Secretary of State, and it was determined that refusal in this instance is an appropriate and proportionate response in all the circumstances of the case.

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

7/221221

RESOLVED

That the application by Sharifnejad Abubakr for the transfer of the premises licence under section 42 of the Licensing Act 2003 (the "Act") in respect of DC Minimarket, 138 Church Road, Yardley, Birmingham B25 8UT, be refused on the grounds that the application to transfer would undermine the crime prevention objective in the Act, as the Sub-Committee had no confidence whatsoever that the applicant was capable of upholding it.

Licensing Sub-Committee C – 22 December 2021

The Sub-Committee noted that the applicant did not attend the meeting; nor was he represented. The applicant had been informed by the Licensing Department of the City Council that the matter could be heard in his absence if he did not attend. The Sub-Committee proceeded with the meeting in the public interest, and especially in view of s43 of the Act (relating to transfer applications having interim effect).

The Sub-Committee heard from West Midlands Police, and considered the Police's grounds for objection to be compelling and exceptional. The Police made detailed submissions about how the instant application had followed a Sub-Committee meeting held on the 4th August 2021, when the licence had been held by a Mr Sheikhehpour.

At the Sub-Committee meeting of the 4th August 2021, the Sub-Committee had been informed that illicit tobacco had been found at the shop. The Sub-Committee had therefore revoked the licence forthwith. Mr Sheikhehpour had been the person named as the designated premises supervisor for the shop; accordingly the Sub-Committee had also removed him from that role.

However, the Police observed to the Sub-Committee that there was a suspicion that the instant application might not be all it seemed. Requests for the documents (to show that Mr Abubakr had formally taken over the premises) had been requested, but had not been forthcoming. These documents should have been readily to hand; as the Police remarked, after licence revocations, transfers were entirely usual, and where there had been genuine transactions, the documents were always produced without problems. Without seeing the documents, the Police were concerned that there could be some subterfuge - perhaps using Mr Abubakr as the named person whilst Mr Sheikhehpour remained the person in control.

The Police noted that Mr Sheikhehpour had presided over an unsatisfactory operation which had undermined the licensing objectives in Yardley. The Police were therefore not prepared to countenance any risk at all of a continuing involvement by him in the management of the shop. Mr Abubakr had been asked to supply the documents, yet he had not, and he had also failed to attend the Sub-Committee meeting.

Accordingly the Police objected to Mr Abubakr's application, on the grounds that the crime prevention objective was not at all likely to be upheld by him. The Sub-Committee accepted this. It was the Police advice that the application should be refused. Accordingly the Sub-Committee determined that the correct course was to reject the transfer application, in order to ensure that the crime prevention objective was not undermined.

In reaching this decision, the Sub-Committee gave due consideration to the information contained in the application, the objection notice submitted under Section

Licensing Sub-Committee C – 22 December 2021

42(6) of the Act, and the submissions made at the hearing by West Midlands Police. Regard was also given to paragraphs 8.99 - 8.102 of the Guidance issued under section 182 of the Act by the Secretary of State, and it was determined that refusal in this instance is an appropriate and proportionate response in all the circumstances of the case.

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

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Wednesday 24th May 2023
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Punjabi Dhaba, 124 Billesley Lane, Kings Heath, Birmingham, B13 9RD
Ward affected:	Moseley
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption on the premises) to operate from 11:00am until 11:00pm (Monday to Sunday).

Premises to remain open to the public from 11:00am until 11:00pm (Monday to Sunday).

2. Recommendation:

To consider the representations that have been made and to determine the application, having regard to:

- The submissions made by all parties
- The Statement of Licensing Policy
- The Public Sector Equality Duty
- The s182 Guidance

3. Brief Summary of Report:

An application for a Premises Licence was received on 29th March 2023 in respect of Punjabi Dhaba, 124 Billesley Lane, Kings Heath, Birmingham, B13 9RD.

Representations have been received from other persons.

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:

Rattan Loha applied on 29th March 2023 for the grant of a Premises Licence for Punjabi Dhaba, 124 Billesley Lane, Kings Heath, Birmingham, B13 9RD.

Representations have been received from other persons, which are attached at Appendices 1 – 16.

The application is attached at Appendix 17.

Conditions have been agreed with Birmingham City Council Licensing Enforcement and the applicant, which are attached at Appendix 18.

Site Location Plans at Appendix 19.

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:

Copies of the representations as detailed in Appendices 1 – 16

Application Form, Appendix 17

Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 18

Site Location Plans, Appendix 19

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: Councillor Izzy Knowles
Sent: 01 May 2023 21:57
To: Licensing
Subject: Licence application 163973 - 124, Billesley Lane, Moseley B13 9RD

I wish to make the following representations to the above licensing application under the licensing objectives:

The prevention of a public nuisance and to protect children from harm:

The application is to allow the selling and consumption of alcohol in a bar/restaurant at 124 Billesley Lane, Moseley Monday to Sunday 11:00 - 23:00

The previous alcohol license for this premises dates from the 1990/2000s when this was a Victoria Wine off-licence and the shop closed at 10.30pm.

I ask that the following conditions are added to the license:

- Sale of alcohol on the premises to be limited to the following hours: Monday to Sunday: 11:00 to 22:30. This will allow for a 30-minute drinking up time.
- That the consumption of alcohol on the outdoor forecourt is restricted to the following hours: Monday to Sunday: 11:00 to 22:00.

The premises are in a residential area, with residential houses immediately next door, opposite and behind and residential flats immediately above.

The noise of customers either on the forecourt or leaving the premises late at night, Monday to Sunday will generate a lot of noise.

The customers will have to park in the surrounding residential roads due to the limited on-street parking and the noise will include switching off car alarms; banging the doors shut; turning on the car radio with the windows down; chatting to friends next to the car, starting car engines.

Further, the noise of the restaurant closing late at night, Monday to Sunday, will include the noise of the roller shutters closing, waste disposal into the bins which are in the street and staff leaving the premises.

The restaurant is surrounded by properties that have young families including the flats above. Disturbance from the restaurant, particularly the outside terrace, has potential to cause harm to children trying to sleep, especially in summer months.

Best wishes

Izzy

Councillor Izzy Knowles
Moseley Ward
Birmingham City Council

Southlands Road,
Moseley,
Birmingham B13

15th April 2023

To: Licensing

Objection to the following licensing application:

163973 - 124 Billesley Lane Moseley Birmingham B13 9RD

I wish to object to the above licensing application for the following reasons:

The application is to allow the selling and consumption of alcohol in a bar/restaurant at 124 Billesley Lane for the following times:

- Monday to Sunday 11:00 - 23:00

The previous alcohol license for this premises dates from the 1990/2000s when this was a Victoria Wine off-licence and the shop closed at 10.30pm.

I would ask that the following conditions are added to the license as follows:

- **Sale** of alcohol on the premises to be limited to the following hours: Monday to Sunday: 11:00 to 22:30. This will allow for a 30-minute drinking up time.
- That the **consumption** of alcohol on the outdoor forecourt is restricted to the following hours: Monday to Sunday: 11:00 to 22:00.

This is a residential area, with residential accommodation immediately next door to the forecourt and above the bar/restaurant.

My reasoning for the restrictions on the hours of selling alcohol and the hours of consumption of alcohol on the forecourt is for the following reasons:

The prevention of a public nuisance.

126 Billesley Lane is in a residential area, with residential houses closely surrounding it and residential flats immediately above it.

The noise of customers – many intoxicated – either on the forecourt or leaving the premises late at night, Monday to Sunday will generate a lot of noise. This noise will be of:

- customers chatting outside the premises.
- noise of customers getting into their cars in the surrounding roads. The customers will have to park in the surrounding residential roads due to the limited on-street parking and the noise will include: switching off their car alarms; banging the doors shut; turning on the car radio with the windows down; chatting to friends next to the car. Having all this happening in the surrounding roads where customers have parked their cars, between midnight and 1am, Monday to Saturdays will be a huge nuisance.

Further, the noise of the restaurant closing up late at night, Monday to Sunday will also generate a lot of noise itself. This will include:

- the noise of the roller shutters closing.
- the clanking of bottles into the bottle bin.

- the sound of staff leaving the premises.

All this noise happening within less than 5 metres of bedroom windows immediately above the restaurant.

I live four doors from this premises.

To avoid the disturbance of sleeping children

As outlined above, the closing of this restaurant late at night, Monday to Sunday will generate a lot of noise. The restaurant is surrounded by properties that currently have young families or have a steady turnover of young families – the flats above the proposed restaurant attracts a turnover of families with young children.

This noise will wake up those children, especially during the Summer months, and keep them awake for a considerable time.

I am willing to attending any hearing at Licensing Committee.

Yours sincerely,

From:
Sent: 17 April 2023 11:09
To: Licensing
Subject: License application number 163973

Objection to the following licensing application :
163973 - 124 Billesley Lane, Moseley, Birmingham. B13 9RD

This application is to sell alcohol from 11:00 - 23:00 I would ask that the following conditions are added to the license :

Sale of alcohol on the premises to be limited to the following hours: Monday to Sunday
11:00 - 22:30 and allow 30minutes drinking up time.
That the drinking of alcohol on the outdoor forecourt is restricted to 11:00 - 22:00

The reason for this is because this is a residential area, I have lived here for the past 40 years and I am really worried about the amount of cars that will be coming and going at all hours. There is already limited parking here for residents and the noise this will generate, car doors banging, people chatting right under my bedroom window.

I have nothing against the business itself, who doesn't love a good curry? However, I am seriously concerned about the impact this will have on myself and other residents that live very close to this business.

Yours sincerely

From:

Sent: 19 April 2023 15:30

To: Licensing

Subject: Ref: 163973 Licensing Application to sell alcohol 11.00am - 23.00 Monday to Sunday at 124 Billesley Lane.

The bar/restaurant as far as we are aware has already opened but is without the necessary license to sell alcohol. Our house is 6 doors away from the Punjabi Dhaba where it is close enough to be affected by the coming and going that one would expect from a retail off licence trading from 11.00am to 23.00 Monday to Sunday. This is a residential area and every type of retail outlet going back 26 years plus has failed. The knock on effect from allowing a licence covering the hours and days applied for can be listed as follows:

- Noise from customers going back and forward from cars to people chatting, possibly intoxicated.
- Parking of cars - (virtually little space for this) so customers will park on the side of pavement in front of residential houses.
- In the Summer months it will park on the side of pavement outside - creating all sorts of disturbances.

Don't get me wrong, I am not a doom and gloom merchant, If the restaurant was run within the boundaries mentioned above re sensible opening hours, not allowing excess noise which can be controlled, including a tight control of intoxicated people, re under age drinking, not allowing cars to park on the pavement and neighbors driveways. If they ironed out all the niggles, I am sure we could live happily side by side!

Regards

From:

Sent: 22 April 2023 20:36

To: Licensing

Subject: Licence Application 163973 - Punjabi Dhaba, 124 Billesley Lane,

We wish to object to the proposed licensing hours at the above property under the issue of:-

The prevention of a public nuisance.

124 Billesley Lane is in a residential area, situated in a row of terraced houses, and is next door to a residential house, with residential flats above it. It is also opposite residential properties on the opposite side of the road.

The application is to allow the sale and consumption of alcohol on the premises (a bar/restaurant) until 11:00pm.

Diners inside the restaurant will generate a lot of noise when leaving, which will only be increased with the consumption of alcohol. This disturbance will be in the form of chatting while leaving, turning off their car alarms, opening/closing their car doors, turning on/revving up their engines, all after the hour when the restaurant ceases trading at 11:00pm; this could go on for some while after the closing time.

The owner also intends diners to eat outside and has procured four large picnic tables that can accommodate up to six people on each table. People chatting loudly at late hours will cause disturbance to immediate neighbours, potentially going on until 12:00pm-1:00am in the morning, and making it harder for residents to sleep. This will be exacerbated if a licence to sell alcohol is granted and diners outside are allowed to drink alcohol.

Therefore if a licence is granted, any alcohol consumption must be restricted when customers are dining outside in consideration to residents. For if customers do become rowdy due to drinking how effective will the control be when asking them to be more considerate to their surroundings and neighbouring residents? There is also the noise when the restaurant closes at 11:00pm. This will include staff leaving the premises and the disposal of empty bottles in the bins outside.

Taking all the above into account we request that the proposal be rejected.

I am willing to attend any hearing at Licensing Committee.

Yours sincerely

Billesley Lane
Moseley
Birmingham B13

From:
Sent: 23 April 2023 17:08
To: Licensing
Subject: Application number 163973

To: Licensing

Objection to the following licensing application:
Southlands Road, Moseley, Birmingham B13
15th April 2023
163973 - 124 Billesley Lane Moseley Birmingham B13 9RD

I wish to object to the above licensing application for the following reasons:

The application is to allow the selling and consumption of alcohol in a bar/restaurant at 124 Billesley Lane for the following times:

- Monday to Sunday 11:00 - 23:00

The previous alcohol license for this premises dates from the 1990/2000s when this was a Victoria Wine off-licence and the shop closed at 10.30pm.

I would ask that the following conditions are added to the license as follows:

- Sale of alcohol on the premises to be limited to the following hours: Monday to Sunday: 11:00 to 22:30.

This will allow for a 30-minute drinking up time.

- That the consumption of alcohol on the outdoor forecourt is restricted to the following hours: Monday to Sunday: 11:00 to 22:00.

This is a residential area, with residential accommodation immediately next door to the forecourt and above the bar/restaurant.

My reasoning for the restrictions on the hours of selling alcohol and the hours of consumption of alcohol on the forecourt is for the following reasons:

The prevention of a public nuisance.

126 Billesley Lane is in a residential area, with residential houses closely surrounding it and residential flats immediately above it.

The noise of customers – many intoxicated – either on the forecourt or leaving the premises late at night, Monday to Sunday will generate a lot of noise. This noise will be of:

- customers chatting outside the premises.
- noise of customers getting into their cars in the surrounding roads. The customers will have to park in the surrounding residential roads due to the limited on-street parking and the noise will include: switching off their car alarms; banging the doors shut; turning on the car radio with the windows down; chatting to friends next to the car. Having all this happening in the surrounding roads where customers have parked their cars, between midnight and 1am, Monday to Saturdays will be a huge nuisance.

Further, the noise of the restaurant closing up late at night, Monday to Sunday will also generate a lot of noise itself. This will include:

- the noise of the roller shutters closing.
- the clanking of bottles into the bottle bin.
- the sound of staff leaving the premises.

All this noise happening within less than 5 metres of bedroom windows immediately above the restaurant.

As outlined above, the closing of this restaurant late at night, Monday to Sunday will generate a lot of noise. The restaurant is surrounded by properties that currently have young families or have a steady turnover of young families – the flats above the proposed restaurant attracts a turnover of families with young children.

This noise will wake up those children, especially during the Summer months.

I also fear for the safety of people returning home from later in the evening to access Southlands Road and having to walk past customers who can be seated outside drinking until 11pm.

Added to this there is likely to be drug sellers as the area will become a magnet for late night customers.

Southlands Road
Moseley
Birmingham
B13

23rd April 2023

To: Licensing

Objection to the following licensing application:

163973 - 124 Billesley Lane Moseley Birmingham B13 9RD

I wish to object to the above licensing application for the following reasons:

The application is to allow the selling and consumption of alcohol in a bar/restaurant at 124 Billesley Lane for the following times:

- Monday to Sunday 11:00 - 23:00

The previous alcohol license for this premises dates from the 1990/2000s when this was a Victoria Wine off license and the shop closed at 10.30pm.

I would ask that the following conditions are added to the license as follows:

- **Sale** of alcohol on the premises to be limited to the following hours: Monday to Sunday: 11:00 to 22:30. This will allow for a 30-minute drinking up time.
- That the **consumption** of alcohol on the outdoor forecourt is restricted to the following hours: Monday to Sunday: 11:00 to 22:00.

This is a residential area, with residential accommodation immediately next door to the forecourt and above the bar/restaurant.

My reasoning for the restrictions on the hours of selling alcohol and the hours of consumption of alcohol on the forecourt is for the following reasons:

The prevention of a public nuisance.

126 Billesley Lane is in a residential area, with residential houses closely surrounding it and residential flats immediately above it.

The noise of customers – many intoxicated – either on the forecourt or leaving the premises late at night, Monday to Sunday will generate a substantial amount of noise. This noise will be of:

- customers talking, often loudly, outside the premises.
- noise of customers getting into their cars in the surrounding roads. The customers will have to park in the surrounding residential roads due to the limited on-street parking and the noise will include: switching off their car alarms; banging the doors shut; turning on the car radio with the windows down; chatting to friends next to the car. Having all this happening in the surrounding roads where customers have parked their cars, between 00.00 and 01.00, Monday to Saturdays will be a huge nuisance.

Further, the noise of the restaurant closing up late at night Monday to Sunday will also generate a lot of noise itself. This will include:

- the noise of the roller shutters closing
- the clanking of bottles into the bottle bin

- the sound of staff leaving the premises.

All this noise happening within less than 5 metres of bedroom windows immediately above the restaurant.

I live four doors from these premises on the opposite side of the road to the restaurant.

To avoid the disturbance of sleeping children

As outlined above, the closing of this restaurant late at night Monday to Sunday will generate a lot of noise. The restaurant is surrounded by properties that currently have young families or have a steady turnover of young families – the flats above the proposed restaurant attract a turnover of families with young children.

This noise will wake up those children, especially during Summer months, and keep them awake for a considerable time.

Yours sincerely,

And on behalf of my wife, son and daughter

From:

Sent: 24 April 2023 15:10

To: Licensing

Subject: Application 163973

I wish to register my concern regarding the application for a late license at 124 Billesley Lane. This is a residential area and I am concerned about noise and rowdy behaviour, particularly as it seems the intention is to seat customers outside as well as inside.

Westlands Road
Moseley

From:
Sent: 23 April 2023 11:45
To: Licensing
Subject: Application Number 163973

I live at Billesley Lane and wish to make an objection to the extension of the drinking licence at 124. I particularly object to people drinking on the forecourt. Tables have appeared on the forecourt and I particularly do not want drinking there. When it was an off-licence no drinking occurred around the premises. This is a residential neighbourhood and I go to bed at 10.0pm.

From:

Sent: 25 April 2023 15:12

To: Licensing

Subject: re licensing application 163973 at 124 Billesley Lane Moseley

Dear Licensing Committee,

Re licensing application 163973 for 124 Billesley Lane, Moseley, B13 9RD

I wish to oppose the licensing application for the above named business to sell alcohol from 11am 'til 11pm every day of the week.

I have lived on Southlands Road for 53 years and can assure you that this situation is unprecedented.

Drinking alcohol so close to resident's homes will cause significant nuisance, including late night noise, car parking problems in an already tight parking situation, late night noise closing the business and this happening EVERY NIGHT OF THE WEEK.

It is not reasonable or just and yet another example of how planning has allowed our lives to be disrupted in this way by the decade long saga over the planning application for this change of use

I have 6 grandchildren, all of whom visit and will I fear be affected by the sight of all day alcohol consumption and late night noise.

I therefore oppose the granting of this licence.

Yours sincerely,

From:
Sent: 25 April 2023 17:11
To: Licensing
Subject: Application 163973 - 124 Billesley Lane

I write to express my objection to the above application.

I live 3 doors away from these premises and are therefore directly impacted by what happens here. While on this subject I would also request that support received from those who are not locals, which has been relevant on previous applications should be ignored as irrelevant.

The old Victoria wine shop which used to occupy this spot had closing hours of 22.00 hrs. I see no justification to open later as a result of being granted an alcohol license if permitted the opening hours should remain as 22.00 hrs.

I believe the consumption of alcohol outside on the forecourt should be banned completely. Children are living directly next door and directly opposite to these premises. Like all establishments despite the best efforts of the owners we will experience anti social behaviour, unwanted noise and already experienced inconsiderate parking to the point of raising road safety as a concern.

As you know this area is and always has been a quiet residential location I would request those involved in making this decision have first consideration to the neighbourhood.

Regards

From:
Sent: 25 April 2023 18:59
To: Licensing
Subject: License application number 163973 - 124 Billesley Lane

I wish to object to the above licensing application to allow the selling and consumption of alcohol at 124 Billesley Lane.

This was previously a Victoria wine off-license and the shop closed at 10.30 pm.

I request that conditions are added to the license as follows:-

Sale of alcohol on the premises be limited to:- Monday to Sunday 11.00 to 22.30. (30 minutes drink up time.) Outdoor forecourt the consumption of alcohol be restricted to:- Monday to Sunday 11.00 to 22.00.

This is a residential area, with residential accommodation immediately next door to the forecourt and above the bar/restaurant.

My reason for the restrictions on hours of selling and hours of consumption of alcohol is the impact on local resident in a residential area as follows:-

Public Nuisance

124 Billesley Lane is located in a residential area surrounded by houses and two flats above. Our home is only a stone's throw from the above address.

Noise

Customers will be parking their cars in the surrounding roads. Local residents will be disturbed with car doors slamming, engines revving, people chatting and finishing off their cigarettes before getting into their cars, etc. The local residents would be disturbed when trying to go to sleep with customers parking outside their homes.

Also, the noise of the premises shutter closing, outside bins being filled, staff going home after customers have left will impact on the neighboring properties, seven days a week.

Disturbance

During summer months the local residents would be forced to sleep with their windows closed due to the noise.

Disturbance of sleeping children

The restaurant is surrounded by properties that currently have young families or have a steady turnover of young families - the flats above the restaurant attracts a turnover of families with young children. They will be forced to sleep with the windows closed during the summer months.

From:
Sent: 25 April 2023 19:35
To: Licensing
Subject: 163973 Licensing application opposition

To whom it may concern

163973 - 124 Billesley Lane Moseley Birmingham B13 9RD

I wish to object to the above licensing application for the reason of a prevention of a public nuisance. The restaurant is in a residential area and it's establishment was opposed for a decade by local residents, who predicted the disruption and nuisance that we know experience.

Whilst the establishment of the restaurant has been realised to the detriment of residents, the granting of an alcohol licence can only exacerbate the noise and disruption we now experience.

I have no knowledge of the rights of the developer concerning any previous licence held at these premises, however I must appeal on a common sense basis that no one ever consumed alcohol outside these premises previously. I am amazed that it is intended for benches set out on the forecourt OUTSIDE the premises are to be used by drinkers. Given the slatted nature of the tables already set out it is clear that it will be less practical to serve food to these drinkers.

I would like to comment that were the proposed drinkers not patrons of the restaurant then the case of public nuisance would be absolutely clear. I seem to remember the terms 'street drinkers' or 'bench drinkers' being used by the council to describe this type of nuisance and yet we are being asked to endure people drinking outside these premises 7 days a week until very late in the evening.

The noise of the restaurant closing up is also an issue. This will involve

- the noise of the roller shutters closing.
- the clanking of bottles into the bottle bin.
- the sound of staff leaving the premises.

The huge commercial refuse bins now half block the adjacent Southlands Rd. These bins are left outside the premises permanently and I am absolutely confident that a bottle bin at this location would present a hazard of access and of broken glass, that is completely inappropriate given the large numbers of local children making their way too and from school each day having to pass this hazard.

In summary I am wholly opposed to any licence being granted, but I am particularly concerned by drinking outside the premises, and by the extended timeframe and days of the week, proposed in this application.

Best regards

No. Southlands Rd

--

Best regards

From:
Sent: 25 April 2023 20:27
To: Licensing
Subject: 163973 - 124 Billesley Lane Moseley Birmingham B13 9RD

I wish to object to the above licensing application for the following reasons:

I live directly opposite the site and already have to contend with noise and light pollution. The bright lights of the restaurant reflect directly into my home and front bedroom. I hear doors slamming and people loudly leaving the site late into the night. This situation will only get worse.

This is a residential area with many young children who will be adversely impacted.

I am happy to discuss my concerns in more depth.

Regards

Billesley Lane

Moseley

Birmingham B13

From:

Sent: 26 April 2023 14:57

To: Licensing <licensing@birmingham.gov.uk>

Subject: Licensing application 163973

Hi,

I am writing to object to licensing application 163973 in relation to 124 Billesley Lane. The application is to allow the sale and consumption of alcohol from 11am-11pm seven days a week.

I live at Billesley Lane and my property shares a party wall with the premises. Currently there is no license to sell alcohol for the property and there has not been in the 10 years I have lived here.

The introduction of alcohol sales to 11pm and seven days a week will cause a significant public nuisance and cause harm to local children including my own. There have been persistent issues with noise in relation to 124 Billesley Lane since it opened as a restaurant. If the restaurant is given a license to sell alcohol until 11pm seven days a week the noise of customers, many intoxicated, late at night will be a significant nuisance to all, and specifically cause harm to my autistic 10 year old son, who sleeps in the front bedroom of our house. We have an acoustic fence but this does not stop the noise of people leaving 124 reaching his bedroom.

The consumption of alcohol on the paved area outside 124 is also a significant concern. The area was supposed to be parking to reduce the pressures on the local traffic but is now filled with tables. It is not a beer garden or part of an area with cafes and passing trade, it is a tarmac space on a residential street with no boundaries, either in terms of containment or noise suppression other the acoustic fence on my boundary, which was designed to reduce noise of people entering and exiting an off licence, not people sitting and drinking for hours. If people are allowed to drink alcohol there until 11pm there will be excessive noise throughout the evening, particularly in the summer, causing public nuisance and disruption to my family.

I would ask that the licensing committee consider that this is not an appropriate location for late night drinking, as repeatedly evidenced by the objections to this and numerous other licensing and planning applications in relation to 124 and 126 Billesley lane. I draw attention to the planning inspectorate's report that includes an objective assessment of the impact that late night opening would have in this area (specifically sections 11-18) and the addition of the consumption of alcohol would only worsen the issues described.

I would also ask that the licensing committee restrict consumption of alcohol outside the premises as this is a significantly louder prospect than consumption indoors.

Kind regards,

Appeal Decisions

Site visit made on 5 November 2015

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09/02/2016

Appeal A Ref: APP/P4605/W/15/3129988 124 Billesley Lane, Birmingham, B13 9RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs K Kaur against the decision of Birmingham City Council.
- The application Ref 2015/02040/PA, dated 17 March 2015, was refused by notice dated 15 May 2015.
- The application sought planning permission for minor material amendment to planning permission 2014/03677/PA to enlarge the basement of Retail Unit 2 in front of and to the rear of the building, and add a loft bedroom to each flat and install four rooflights without complying with conditions attached to planning permission Ref 2014/07717/PA, dated 25 February 2015.
- The conditions in dispute are Nos 6, 7, 8, 9, 10, 11 and 13 which state that:
 6. *No deliveries shall be taken at or dispatched from the site outside the hours of 0700-1900 Mondays to Saturdays.*
 7. *No development shall take place until details of the provision for the secure, and where appropriate, covered storage for cycles and motorcycles have been submitted to and approved in writing by the Local Planning Authority. Provision shall thereafter be implemented and maintained in accordance with the approved details.*
 8. *No development shall take place until such time as a scheme for the drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and thereafter maintained.*
 9. *The rating levels for cumulative noise from all plant and machinery shall not exceed 5dB below the existing LA90 background levels and 10dB below the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (1997) or any subsequent guidance or legislation amending, revoking and/or re-enacting BS4142 with or without modification.*
 10. *No development shall take place until details of facilities for the storage of refuse within the curtilage of building(s) approved under this permission have been submitted to and approved in writing by the Local Planning Authority. The refuse facilities shall be provided in accordance with the approved details before the buildings are first occupied and thereafter maintained.*
 11. *No development shall take place until details of bollards or similar feature to be erected at the back of pavement have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development hereby permitted is brought into use and thereafter retained.*
 13. *Retail deliveries to Retail Unit 2 shall only be made to the front of the premises, none shall be made to the rear 'yard/garden' area.*

- The reasons given for the conditions are:
 6. *In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.*
 7. *In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.*
 8. *In order to secure the satisfactory development of the application site in the interests of highway safety in accordance with Paragraphs 3.71-3.76 of the Birmingham UDP 2005, Sustainable Management of Urban Rivers and Floodplains SPD and the National Planning Policy Framework.*
 9. *In order to secure the satisfactory development of the application site and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the NPPF.*
 10. *In order to secure the satisfactory development of the application site in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.*
 11. *To ensure that vehicles only access the site through the designated entrance in the interests of highway and pedestrian safety in accordance with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the Birmingham UDP 2005 and the National Planning Policy Framework.*
 13. *In order to protect the amenity offered to the two flats' residents in their private, outdoor rear amenity space, in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005, Places for Living Supplementary Planning Guidance and the National Planning Policy Framework.*
-

Appeal B Ref: APP/P4605/W/15/3129982
124 Billesley Lane, Birmingham, B13 9RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs K Kaur against the decision of Birmingham City Council.
 - The application Ref 2015/02039/PA, dated 17 March 2015, was refused by notice dated 11 June 2015.
 - The application sought planning permission for minor material amendment to planning permission 2014/03677/PA to enlarge the basement of Retail Unit 2 in front of and to the rear of the building, and add a loft bedroom to each flat and install four rooflights without complying with conditions attached to planning permission Ref 2014/07717/PA, dated 25 February 2015.
 - The conditions in dispute are Nos 5 and 12 which state that:
 5. *The new retail unit (Retail Unit 2) shall only be open for customers between the hours of 0800-2000 Mondays to Saturdays and 0800-1900 Sundays and Bank Holidays.*
 12. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), the basement shall only be used for storage of goods in conjunction with the approved ground floor retail use (Use Class A1) and shall be used for no other purpose.*
 - The reasons given for the conditions are:
 5. *In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.*
 12. *In order to prevent the use of the basement for other purposes which may be harmful to residential amenity, in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.*
-

Decisions

1. Appeal A is allowed and Appeal B is allowed and planning permission is granted to enlarge the basement of Retail Unit 2 in front of and to the rear of the building, and add a loft bedroom to each flat and install four rooflights at 124 Billesley Lane, Birmingham, B13 9RD in accordance with applications Ref 2015/02040/PA dated 17 March 2015 and Ref 2015/02039/PA, dated 17 March 2015, without compliance with condition numbers 9 and 12 previously imposed on planning permission Ref 2014/07717/PA, dated 25 February 2015 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers SP01A, 03F, 04E and 05D and the site location plan.
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The roller shutters hereby permitted shall be of punched slat construction with a minimum 55% transparency and be colour coated in accordance with a scheme to be submitted to and agreed in writing by the local planning authority and thereafter maintained.
 - 5) No development shall take place until a scheme of noise insulation between the ground floor commercial and first floor residential premises has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the occupation of the building and thereafter maintained.
 - 6) The new retail unit (Retail Unit 2) shall only be open for customers between the hours of 0800-2000 Mondays to Saturdays and 0800-1900 Sundays and Bank Holidays.
 - 7) No deliveries shall be taken at or dispatched from the site outside the hours of 0700-1900 Mondays to Saturdays.
 - 8) No development shall take place until details of the provision for secure cycle and motorcycle parking have been submitted to and approved in writing by the local planning authority. Provision shall thereafter be implemented and maintained in accordance with the approved details.
 - 9) No development shall take place until details of facilities for the storage of refuse within the curtilage of the permitted development have been submitted to and approved in writing by the local planning authority. The refuse facilities shall be provided in accordance with the approved details before the buildings are first occupied and thereafter maintained.
 - 10) No development shall take place until details of bollards or similar feature to be erected at the back of pavement have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development hereby permitted is brought into use and thereafter retained.

- 11) Retail deliveries to Retail Unit 2 shall only be made to the front of the premises, none shall be made to the rear 'yard/garden' area.

Procedural Matters

2. As set out above, there are two appeals which differ only in the conditions that the appellant wishes to remove. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two appeals together in this document.
3. The appellant has raised concerns about the handling of the planning applications by the Council. However this would need to be pursued with the Council in the first instance. I confirm in this respect that I have had regard only to the planning merits of the proposals.

Applications for costs

4. Applications for costs were made by Mrs K Kaur against Birmingham City Council for both the appeals. These applications are the subject of separate Decisions.

Background and Main Issues

5. The existing retail premises at 124 Billesley Lane is currently vacant, but the flat above is occupied. Planning permission Ref 2014/07717/PA has been granted for a minor material amendment to a previous planning permission Ref 2014/03677/PA, to enlarge the basement of retail unit 2 in front of and to the rear of the building, add a loft bedroom to each flat and install four rooflights.
6. Planning permission Ref 2014/03677/PA allows the demolition of the existing single storey outbuilding, erection of single and two storey extensions to the side and rear to extend the existing retail unit and provide a shop front, provide a new retail unit, provide security shutters to both retail units and provide two first floor flats. This original planning permission contains a number of conditions.
7. It is the conditions attached to the minor material amendment planning permission Ref 2014/07717/PA that the appellant seeks to have removed. Of the 9 conditions disputed by the appellant, 7 repeat conditions that are on the original planning permission Ref 2014/03677/PA, whereas conditions 12 and 13 are new.
8. Appeal A seeks permission to remove conditions 6, 7, 8, 9, 10, 11 and 13. Condition 6 limits delivery times to the store. Conditions 7, 8, 10 and 11 are all prior to development conditions, respectively requiring the provision of details on cycle storage, a drainage scheme, refuse storage and the pavement boundary. Condition 9 limits the noise levels for plant and machinery. Condition 13 seeks that deliveries are only made to the front of retail unit 2.
9. Appeal B seeks permission to remove conditions 5 and 12. Condition 5 restricts opening times for the retail unit, whilst condition 12 restricts the use of the basement as ancillary storage.
10. Having considered the evidence before me I consider the main issues are:
 - Whether the removal of conditions 5, 6, 9, 10, 12 and 13 would have an effect on the living conditions of the occupiers of neighbouring properties

and would provide acceptable living conditions for the future occupiers of the flats; and

- Whether conditions 7, 8 and 11 are reasonable and necessary in the interests of highway safety.

Reasons

11. The appellant has drawn my attention to planning permissions Ref 2014/06768/PA and Ref 2015/00441/PA at 1 Mapledene Road stating that this similar development does not have any of the disputed conditions for these appeals attached. Some details of these developments have been provided to me. Whilst there appears to be some similarities between the schemes I nevertheless must consider the appeals before me on their own individual merits.

Living conditions (Conditions 5, 6, 9, 10, 12 and 13)

12. Paragraphs 3.8 and 3.10 of the Birmingham Plan Unitary Development Plan 2005 (UDP) seek to protect the quality of the built environment including residents' quality of life. In addition the National Planning Policy Framework (Framework) seeks, amongst other things, to secure a good standard of amenity for all existing and future occupants of buildings.
13. Conditions 5 and 6 relate to opening hours for retail unit 2 and delivery times respectively. The Framework supports sustainable economic development but it also seeks, amongst other things, to secure a good standard of amenity for all existing and future occupants of buildings. I see no reason why the premises should not be able to trade at their maximum potential, subject to there being no unacceptable effect on neighbours by way of noise and disturbance.
14. The site is located on a prominent corner junction, in a predominantly residential area. There is a terraced property (No 122 Billesley Lane) attached to the existing retail unit, a flat above the premises and No 6 Southlands Road is a short distance to the rear. I note the existence of an acoustic fence between the existing premises and No 122 to the front. I also understand that the existing premises has unrestricted opening hours but as it has been vacant for a number of years (the Council suggests at least 4 years). As such the existing premises does not cause any noise or disturbance.
15. It is suggested by the Council and local residents that later opening hours at retail unit 2 could result in noise and disturbance to neighbouring residents. I acknowledge that the noise assessment carried out by Acoustic Response Limited for the appellant concludes that *"there would be no significant effect on the existing acoustic environment, at any time of day, due to noise from the general use of the development"*. However there are a number of other factors I must take into account in regards to this matter.
16. The suggested opening hours would be later than the nearby One Stop convenience store at 117 Billesley Lane. Whilst I must determine the appeals on their own individual merits, I nevertheless note that this store closes at 2200 according to the Council and local residents, though the appellant states that it is later. Whilst the adjacent vacant premises has no opening hours restrictions, the appellant states that when it was in use as an off-licence it closed at 2300. I note that local residents say that it closed earlier than this. The appellant's evidence is not conclusive as to what would be reasonable

opening times within this location. I also consider that several late night businesses operating closely within such a predominantly residential area has the potential to result in an adverse cumulative impact as regards noise and disturbance.

17. Taking the above into account, the limited evidence supporting longer opening hours and the close proximity of adjacent dwellings to the development, I consider that condition 5 is reasonable and necessary to ensure that the living conditions of both neighbouring residents and future occupiers of the flats above are acceptable. I therefore do not remove this condition and consider that the development would comply with Paragraphs 3.8 and 3.10 of the UDP and the Framework with its imposition.
18. In relation to deliveries the noise assessment states that *"Noise from delivery vehicles is also unlikely to impact on the existing noise environment given the existing noise levels at times when deliveries would be made"*. However it is not clear in the report what hours the term *"when deliveries would be made"* refers to. Deliveries made late at night would be likely to cause unacceptable noise, due to the coming and goings of delivery vans, reversing alarms and the unloading of goods. This would be likely to cause undue disturbance to neighbouring residents and result in unacceptable living conditions for the future occupiers of the flats above. Based on what is before me, I have no substantive evidence to indicate otherwise.
19. As such, in this instance, I consider condition 6 restricting the hours for deliveries appears reasonable and necessary and its removal would be contrary to Paragraphs 3.8 and 3.10 of the UDP and the Framework. The appellant states that the term *"or despatched from the site"* is not precise and no deliveries from the site are proposed. However I note the Council's concerns in this matter should the occupiers of the retail unit propose to provide deliveries to customers. I therefore also consider that the condition is precise and enforceable and I therefore do not remove it.
20. As regards condition 9, I note the Council's concerns about the potential for the premises to temporarily change to a more flexible use, which could include a restaurant or café, without requiring planning permission. However I have no evidence before me to support the view that such uses would affect the living conditions of the neighbouring residents within this location. Whilst this condition was recommended by Regulatory Services they also state in their consultation response that if the use were to remain as A1 use then the condition could be removed. I am also concerned that the condition is not precise as it does not state where the plant and machinery would be located and does not define the term 'noise sensitive premises'.
21. Consequently, as the appellant clearly states that the development would be for A1 use and I consider matters such as noise could be dealt with under other statutory regulations, condition 9 is not necessary for the development to be able to proceed. I therefore find that the development would comply with Paragraphs 3.8 and 3.10 of the UDP and the Framework without its imposition.
22. Whilst I acknowledge that a plan referring to the refuse storage areas was submitted to the Council during the application process, the Council confirms that this was not taken into account when determining the application. Although a copy of this plan has been provided to me it has not been consulted on and therefore I am unable to take it into account. Notwithstanding this I

consider that condition 10 is reasonable and necessary to ensure that adequate refuse facilities are provided for both the commercial and domestic properties, so that living conditions are acceptable for existing and future neighbours as regards smells, rodents and outlook. I therefore do not remove it to ensure that the development complies with Paragraphs 3.8 and 3.10 of the UDP and the Framework.

23. In relation to condition 12 the PPG indicates that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. The Council has provided no evidence to suggest that there are exceptional circumstances in this case. The size of the basement would only increase by a small amount and I note that such a condition was not imposed on the original planning permission Ref 2014/03677/PA. I therefore do not consider that the living conditions of neighbouring residents would be prejudiced by the removal of this condition. As no exceptional circumstances for imposing condition 12 have been demonstrated I remove it. The development would comply with Paragraphs 3.8 and 3.10 of the UDP and the Framework in this respect.
24. Condition 13 was imposed by the Council to ensure that the living conditions of future occupiers of the flat above retail unit 2 would be acceptable as regards the use of the private garden space. Whilst I recognise that the appellant proposes that deliveries would be made to the front of this unit, I consider that the condition is both necessary and reasonable to ensure that the occupiers of the new premises adhere to this. Using the small rear garden for deliveries would cause loss of privacy and make the garden unusable at times for the future occupiers of the flat. This would result in unacceptable living conditions for the future occupants. I therefore consider that with the imposition of condition 13, the development would comply with Paragraphs 3.8 and 3.10 of the UDP, Places for Living Supplementary Planning Guidance 2001 and the Framework in this respect.

Highway safety (Conditions 7, 8 and 11)

25. The Council's Car Parking Guidelines Supplementary Planning Document (SPD) 2012 requires the provision of a minimum of one secure cycle space and motorcycle space per flat. The removal of condition 7 would clearly not be in accordance with the SPD or the Framework which supports the provision of sustainable transport opportunities. However reference is made within the condition to covered storage which though desirable, would not be a necessity in order for the development to proceed. Consequently I remove condition 7 but replace it with a new one which just refers to the provision of secure cycle and motorcycle spaces. This would be in accordance with Paragraphs 3.8 and 3.10 of the UDP and the SPD. It would also comply with Paragraphs 6.17 and 6.39 of the UDP which seek, amongst other things, good quality transport infrastructure.
26. As regards condition 8, I note that Severn Trent does not object to the development on drainage grounds and the removal of the condition would not cause material harm to highway safety due to flooding. The development would therefore comply with Paragraphs 3.71-3.76 of the UDP, the Sustainable Management of Urban Rivers and Floodplains Supplementary Planning Document 2007 and the Framework. As the condition is not necessary I remove it.

27. The Council states that condition 11 was imposed on the planning permission at the request of Members who were concerned about potential conflicts between vehicle users who would access the parking spaces to the front of the premises and pedestrians. The condition was recommended by the Council's Transportation Department to prevent vehicles manoeuvring or accessing the forecourt area in front of the development, by using the pedestrian drop crossing on Southlands Road. As there appears to be no evidence to the contrary, the imposition of this condition appears to be reasonable and necessary in the interests of highway safety. I therefore see no reason to disagree with the Council on this matter. The development would comply with Paragraphs 3.8, 3.10, 6.17 and 6.39 of the UDP and the Framework with the imposition of condition 11 and I therefore do not remove it.
28. The guidance in the national PPG makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As the development has not commenced and I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some of the conditions have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

29. For the reasons given above, and having considered all other matters raised, I conclude that the appeals should be allowed as set out in my formal decision.

X. Wright

INSPECTOR

From:

Sent: 01 May 2023 20:04

To: Licensing

Subject: Re Application for licence - Punjabi Dhaba, 124 Billesley Lane, Birmingham B13 9RD

Re: Application for licensing from 11:00 to 23:00 hours Mon to Sun

My wife and I wish to lodge an objection to the proposal to extend licensing hours for the above restaurant which has recently opened on Billesley Lane at the end of our road. We object on the grounds that this is a residential neighbourhood and drinking till such late hours will inevitably lead to an increase in noise and anti-social behaviour in the evening when people are trying to go to sleep. We are already sick and tired of having to put up with the fact that since these restaurants appeared and since the flats over the shops have become occupied, there is much congestion at the corner of Billesley Lane and Southlands Road making it a serious and significant hazard for traffic entering and leaving the road. We have already objected to these things previously, including the application for extended licensing hours by the previous tenants, but it seems that they persist in repeating the application in the hope that someone will back down. We did not even find out about the application ourselves until two days ago when we chanced to see a small notice on the outside of the premises which was not particularly prominently displayed! It does rather give the impression that they were hoping that no one would see it.

Southlands Road



Birmingham
Application for a premises licence
Licensing Act 2003

For help contact
licensingonline@birmingham.gov.uk
 Telephone: 0121 303 9896

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? ☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Is the applicant's business registered outside the UK? ☐ Yes ☒ No

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business	<input type="text" value="LICENSING AGENT"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
Agent Registered Address		Address registered with Companies House.
Building number or name	<input type="text" value="TRIDENT BUSINESS CENTRE"/>	
Street	<input type="text" value="89 BICKERSTETH ROAD"/>	
District	<input type="text"/>	
City or town	<input type="text" value="LONDON"/>	
County or administrative area	<input type="text"/>	
Postcode	<input type="text" value="SW17 9SH"/>	
Country	<input type="text" value="United Kingdom"/>	

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	<input type="text" value="124"/>
Street	<input type="text" value="BILLESLEY LANE"/>
District	<input type="text"/>
City or town	<input type="text" value="BIRMINGHAM"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B13 9RD"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="5,900"/>

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

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

Section 4 of 21**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- ☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- ☒ Yes ☐ No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

* Date of birth

 / /
dd mm yyyy

* Nationality

Documents that demonstrate entitlement to work in the UK

Right to work share code

Right to work share code if not submitting scanned documents

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

 01 / 05 / 2023
dd mm yyyy

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

 / /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

THIS ONE OF THE UNIT OF THE TWO COMMERCIAL PREMISES SITUATED IN THIS RESIDENTIAL AREA. THIS SHOP HAD BEEN AN OFF LICENCE THEN CLOSED FOR LONG TIME. THEN IT HAS BEEN OPERATING AS A RESTAURANT BUSINESS - BURGER BAR. THIS WILL NOW ALSO A RESTAURANT, WILL BE RUN BY APPLICANT. APPLICANT HAS BEEN RUNNING SIMILAR BUSINESS IN THE RESIDENTIAL AREA. THIS IS A SMALL RESTAURANT WITH 30 SEATING. WE EXPECT LOCAL RESIDENCES USING THIS PLACE ON REGULAR BASIS. RESTAURANT WILL HAVE AUTHENTIC INDIAN FOOD AND DRINKS. IT IS A RESIDENTIAL AREA, WILL BE RUN WITHOUT ANY NUISANCE TO NEIGHBOURS. APPLICANT LIKES TO OPERATE THIS AS A SMALL SOCIAL PLACE FOR LOCAL PEOPLE. ANY OUTSIDE SEATING ONLY UNTIL 8PM.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes

☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes

☒ No

Section 11 of 21

Continued from previous page...

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☐ Yes ☒ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes ☒ No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

THURSDAY

Start 11:00

End 23:00

Start

End

FRIDAY

Start 11:00

End 23:00

Start

End

SATURDAY

Start 11:00

End 23:00

Start

End

SUNDAY

Start 11:00

End 23:00

Start

End

Will the sale of alcohol be for consumption:

- ☒ On the premises ☐ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

Name

First name

RATTAN SINGH

Family name

LOHA

Continued from previous page...

Date of birth

	/		/	
dd		mm		yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

SOL/PE/332/2005

Issuing licensing authority
(if known)

SOLIHULL COUNCIL

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Section 18 of 21

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

1. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

2. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open.

3. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) any complaints received concerning crime and disorder
- (c) any incidents of disorder
- (d) any faults in the CCTV system
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

4. There shall be no self service of alcohol on the premises.

5. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

6. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time

b) The prevention of crime and disorder

AS DETAILED ABOVE

c) Public safety

AS DETAILED ABOVE

d) The prevention of public nuisance

AS DETAILED ABOVE

Continued from previous page...

e) The protection of children from harm

AS DETAILED ABOVE

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at <https://www.tax.service.gov.uk/business-rates-find/search>

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

[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, IF APPROPRIATE (PLEASE SEE NOTE 15).

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name
* Capacity
* Date / /
dd mm yyyy

[Add another signatory](#)

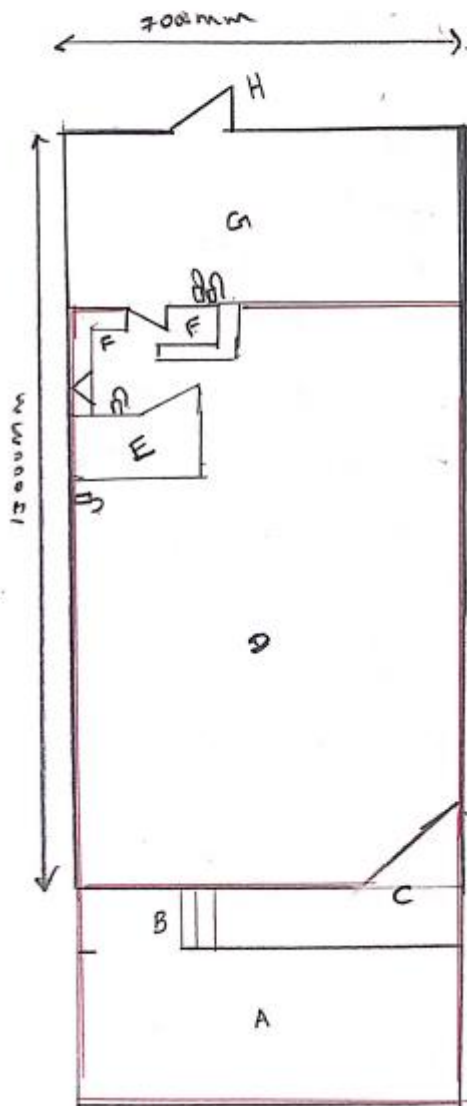
Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

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



PUNJABI DHABA
124 BILLESLEY LANE
BIRMINGHAM
B13 9RD

SCALE 1:100

A: FRONT OUTSIDE SEATING

B: STEPS DOWN - LOWER GROUND

C: MAIN ENTRANCE


D: SEATING AREA


E: TOILET

F: BAR AREA

G: KITCHEN

H: FIRE EXIT

 FIRE EXTINGUISHER

 LICENSABLE AREA

From: ARKA LICENSING
Sent: 28 April 2023 10:06
To: Gary Callaghan
Subject: Re: Grant of Premises Licence

Good morning, Gary,

Thank you for your call and email.

We confirm we accept those conditions requested by you.

Many thanks
Suresh

Consultant
Arka Licensing

From: Gary Callaghan
Sent: 28 April 2023 09:41
To: ARKA LICENSING
Subject: Grant of Premises Licence

RE: Punjabi Dhaba, 124 Billesley Lane, Birmingham, B13 9RD

Mr Suresh

Further to our telephone conversation, please see attached conditions below, that I would like added to the Premises Licence to promote the Licensing Act 2003 objectives
Can you please confirm that your client is happy with the proposed

General

All members of staff will receive training regarding the:-

- four licensing principles contained in the Licensing Act 2003;
- responsible retailing of alcohol, and law regarding sales of alcohol;
- protection of children from harm and this must include how to competently check customers' identification where necessary;
- permitted hours during which licensable activities can take place, and the conditions attached to the premises licence.

The training provided to staff will be recorded and each member of staff will sign and date the training records to confirm they have received and understood the training provided.
Refresher training will be done at least every 12 months

The staff training records will be kept at the premises and made available to any Responsible Authority upon request.

Prevention of Public Nuisance

A notice must be prominently displayed in the premises requesting that customers respect the needs of local residents and other businesses in the vicinity and to leave the premises quietly.

Protection of Children from Harm

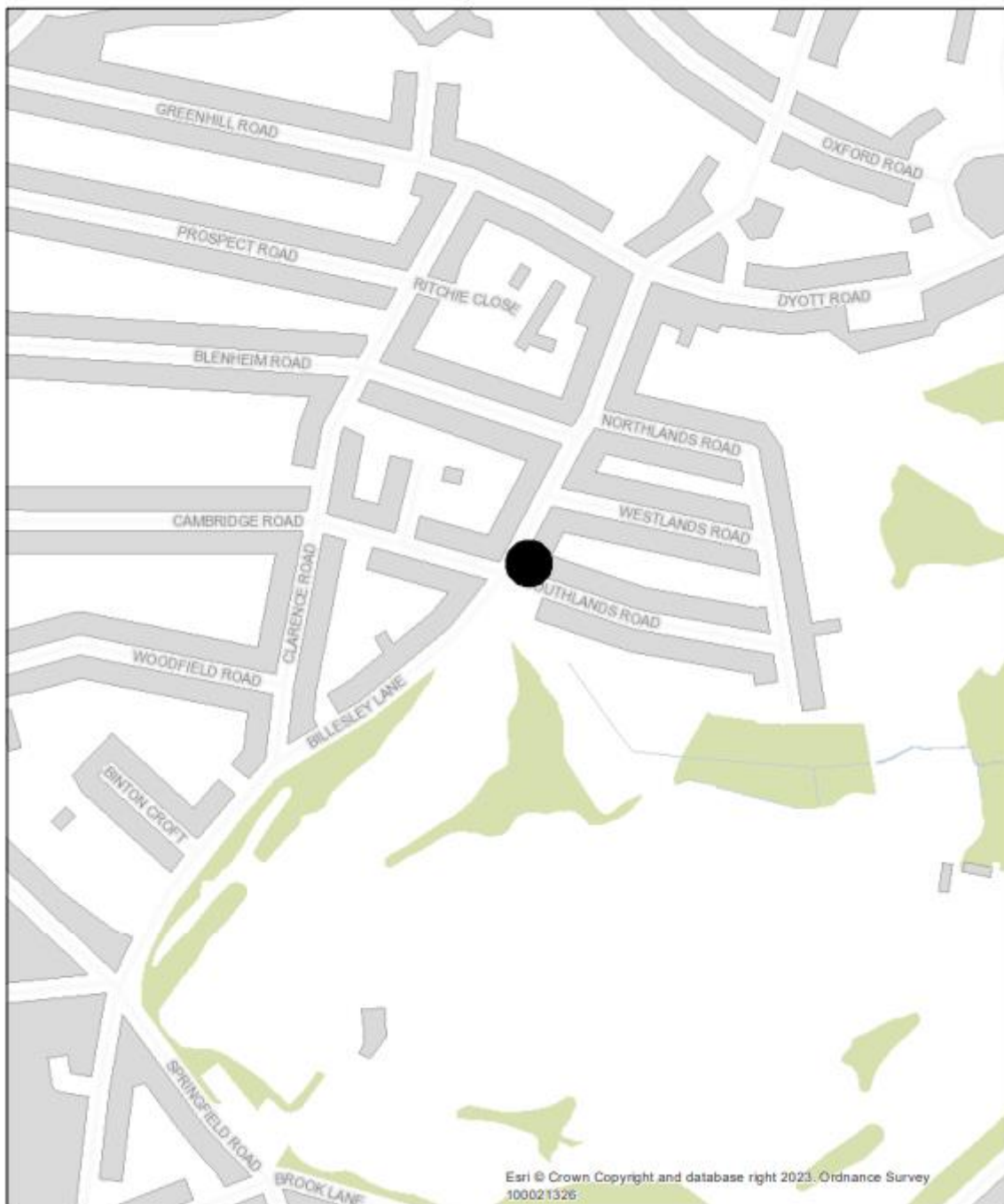
The premises licence holder will implement and operate a challenge 25 age verification policy to prevent the sale or supply of alcohol to persons under 18 years of age.

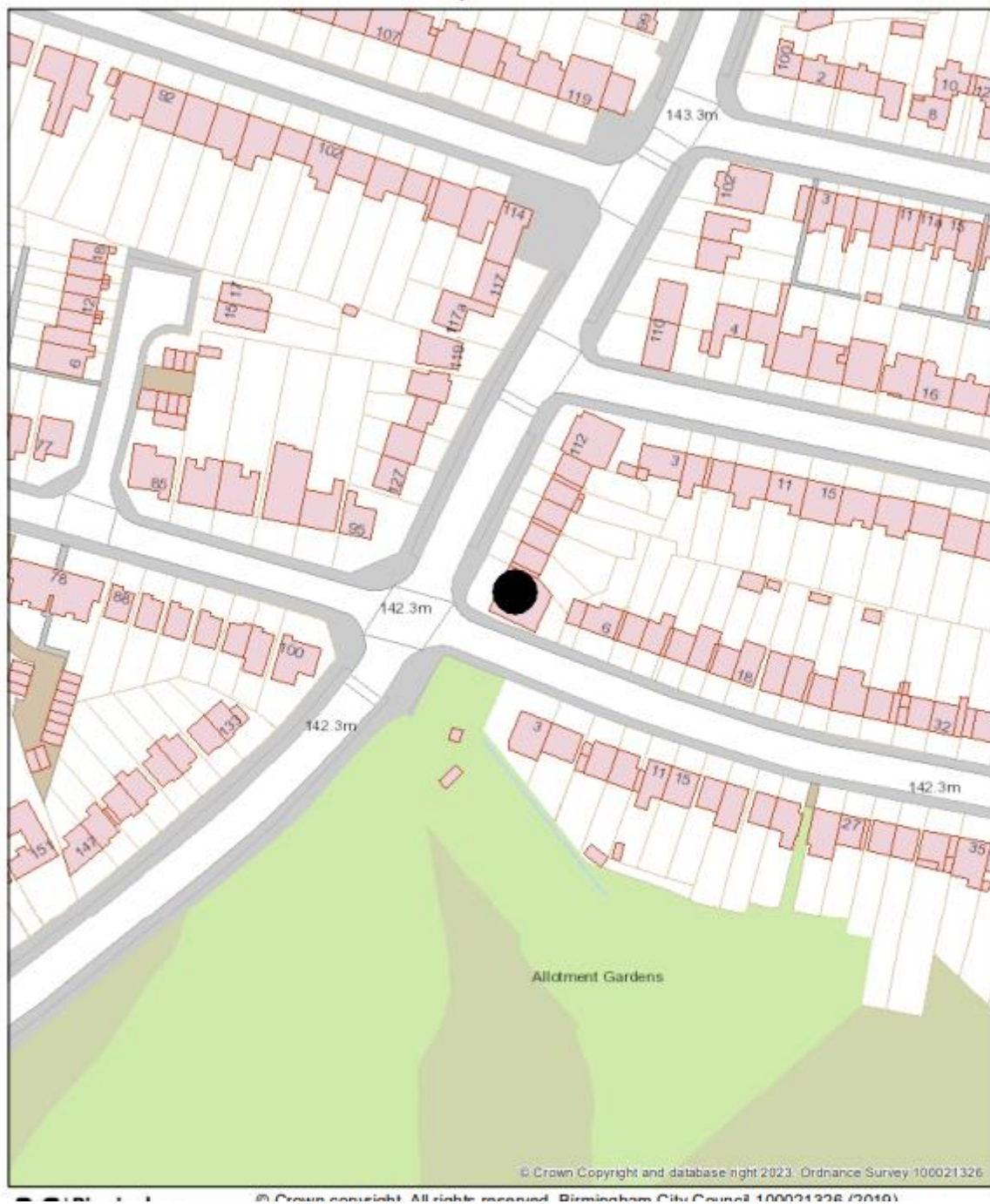
A copy of the written age verification policy must be signed by all members of staff to confirm they have read and understand the policy and this signed copy must be maintained at the premises and available for inspection by any Responsible Authority on request.

A notice will be displayed at the premises and clearly visible to customers informing them that a challenge 25 policy is in operation at the premises.

Regards
Gary

Gary Callaghan
Licensing Enforcement Officer
Birmingham City Council Licensing Enforcement





BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Wednesday 24th May 2023
Subject:	Gambling Act 2005 Licensed Premises Gaming Machine Permit
Premises	The Arthur Robertson, One Stop Shopping Centre, Perry Barr, Birmingham, B42 1AA
Ward affected:	Perry Barr
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

Officers have delegated authority to grant Permits in respect of up to 4 Licensed Premises Gaming Machines, Category C & D in an Alcohol Licensed Premises.

This application seeks to have permission to operate a total of 5 Category C Gaming Machines, at the premises.

2. Recommendation:

The Sub-Committee is requested to consider the application to operate a total of 5 Category C Gaming Machines on an Alcohol Licensed premises.

3. Brief Summary of Report:

An application for the variation of a Licensed Premises Gaming Machine Permit was received on 16th February 2023.

4. Compliance Issues:**4.1 Consistency with relevant Council Policies, Plans or Strategies:**

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

<p>5. Relevant background/chronology of key events:</p> <p>JD Wetherspoon Plc submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 16th February 2023 for the The Arthur Robertson, One Stop Shopping Centre, Perry Barr, Birmingham, B42 1AA.</p> <p>The application, including supporting documents, is attached at Appendix 1.</p> <p>Birmingham City Council Licensing Enforcement visited the premises and confirmed that they have no objections to the application. Their confirmation is attached at Appendix 2.</p> <p>The premises have the benefit of a current Gaming Machine Permit issued under the Gambling Act 2005, which permits 4 Category C machines. See attached Appendix 3.</p> <p>Gaming Machine Categories by maximum stake and maximum prizes available, see attached Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>Where an application for a licensed gaming machine permit is made, the licensing authority shall consider it having regard to the licensing objectives, any relevant guidance issued by the Commission under section 25 and such other matters as they think relevant.</p> <p>The licensing objectives are:</p> <ol style="list-style-type: none"> Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. Ensuring that Gambling is conducted in a fair and open way Protecting Children and other vulnerable persons from being harmed or exploited by gambling.
<p>6. List of background documents:</p> <p>Application Form and supporting documents, Appendix 1 Birmingham City Council Licensing Enforcement no objection confirmation, Appendix 2 Current Gaming Machine Permit, Appendix 3 Gaming Machine Categories, Appendix 4 Site Location Plans, Appendix 5</p>
<p>7. Options available</p> <ol style="list-style-type: none"> Grant the application Refuse the application Grant the application in respect of; <ol style="list-style-type: none"> A smaller number of machines than is specified in the application A different category of machines from that specified in the application, or both <p>A licensing authority may not refuse an application or grant it in respect of a different category or number of gaming machines without first notifying the applicant and giving the applicant an opportunity to make representations (either in written or oral form, or both).</p>

**APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION /
TRANSFER OF A LICENSED PREMISES GAMING MACHINE PERMIT
(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION
ON THE PREMISES)**

Please refer to guidance notes at the back of this form before completing

To:
Licensing Section
Birmingham City Council
PO Box 17013
Birmingham
B9 9ES

Section A – Applicant Details

1. Name of Applicant

JD Wetherspoon Plc

2. Date of Birth or Company registration No. as applicable

1709784

3. Address / registered office of applicant

Wetherspoon House, Reeds Crescent, Watford, Hertfordshire WD24 4QL

4. Telephone number (daytime) of applicant

5. E-mail address of applicant

6. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant

.....
.....

SECTION B – Premises Details

1. Name of premises

The Arthur Robertston

.....
..

2. Address of premises

One Stop Shopping Centre, Perry Bar, Birmingham B42 1AA

.....

3. Telephone number of premises

.....
...

4. E-mail address of premises (where available)?

.....
.....

5. Licensing Act 2003 Premises Licence Number

3208/3.....

SECTION C – What do you want to do?

Please indicate what you would like to do:

a) Notify licensing authority that you intend to provide up to a maximum total of 2 gaming machines of category C and / or D. *If you choose this option then please complete section F.*

☐

b) Apply to the licensing authority for more than 2 gaming machines. *If you choose this option then please complete sections D and F.*

☐

c) Apply to vary an existing permit. *If you choose this option then please complete sections D and F.*

☒

d) Request that the licensing authority transfers an existing permit to yourself. *If you choose this option then please complete sections E and F.*

☐

SECTION D – Grant and variation requests

1. How many gaming machines are you currently authorised to provide and how many do you wish to provide? Please complete the boxes in the table.

Category machine	Number currently authorised to provide	Number wish to provide
C	...4...	...5...
D
Total5...

2. If you are authorised to provide more than 2 machines, please provide your existing permit, or provide reasons stating why it cannot be provided.

Existing permit provided ☒

Reasons why existing permit cannot be provided

.....
.....

Section E – Transfer request

1. Name of person requesting the transfer

JD Wetherspoon plc

.....
...

2. Please confirm that an application to transfer the relevant Premises Licence under the Licensing Act 2003 has been:

Requested

☐

Granted

☐

3. Please provide your existing permit, or provide reasons stating why it cannot be provided.

Existing permit provided

☐

Reasons why existing permit cannot be provided

.....
.....
.....
.....

Section F – Fee and Signature(s)

1. I enclose

In all cases

- *the relevant fee*

✓

2. I confirm that

- *the premises where the machines are proposed to be located are licensed to supply alcohol for consumption on the premises and that there is a bar for serving alcohol to customers on the premises (without the requirement that alcohol is served only with food).*
- *I am aware of and will abide by the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission.*
- *All staff will be trained as to the limits of any stakes and prizes and the requirements of the Act, Guidance and any appropriate codes of practice or conduct*

✓

✓

✓

Please note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.

Dated 16.02.23

Signed by or on behalf of the applicant

Name (please print).....Jennie Odell on behalf of JD Wetherspoon plc

.....

* If you wish to have a maximum of 2 gaming machines then the fee payable is £50. If you wish to have more than 2 gaming machines then the fee payable is £100 by an existing operator or £150 in all other cases.

To Vary the Permit £100

To Transfer the Permit £25

**GUIDANCE NOTES: APPLICATION FOR THE NOTIFICATION / GRANT / VARIATION /
TRANSFER OF A LICENSED PREMISES GAMING MACHINE PERMIT**
(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

1. This form is to be used for the NOTIFICATION of up to 2 gaming machines of categories C and / or D under Section 282 of the Gambling Act 2005, or the GRANT / VARIATION / TRANSFER of a gaming machine permit under Section 283 and Schedule 13 of the Gambling Act 2005.
2. All references to 'Premises Licence' refer to a Premises Licence under the Licensing Act 2003 authorising the sale of alcohol for consumption on the premises.
3. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises.
4. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.
5. The gaming machines must be located on these licensed premises and there must be a bar for serving alcohol to customers on the premises, without the requirement that alcohol is served only with food.
6. The permit's duration is indefinite as it is linked to the Premises Licence. There is a first annual fee payable 30 days after the grant of the permit and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is £50.
7. Two types of gaming machines can be located in alcohol licensed premises. These are:
 - Category C: Maximum stake = 50p / Maximum prize = £25
 - Category D: Maximum stake = 10p or 30p non-monetary / Maximum prize = £5 cash or £8 non-monetary
8. The holder of a licensed premises gaming machine permit must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005. The Gaming Machine Code of Practice for Alcohol licensed premises permits and permissions is available via the Gambling Commission's website at: <http://www.gamblingcommission.gov.uk/> Should you be unclear as to the provisions of such a code of practice please contact your local licensing officer at the council address provided.
9. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonable practicable after that decision to grant / refuse has been made.

Appendix 1 continued – Supporting Documents

From: Jennie Odell

Sent: 14 April 2023 15:37

To: Licensing

Subject: RE: GA2005 - Licensed Premises Gaming machine Permit Variation RE: The Arthur Robertston, One Stop Shopping Centre, Perry Bar, Birmingham B42 1AA

Hi Bhapinder

Further to your email below, please find attached a marked up plan showing the locations of the current 4 machines and where the additional 5th machine will be located.

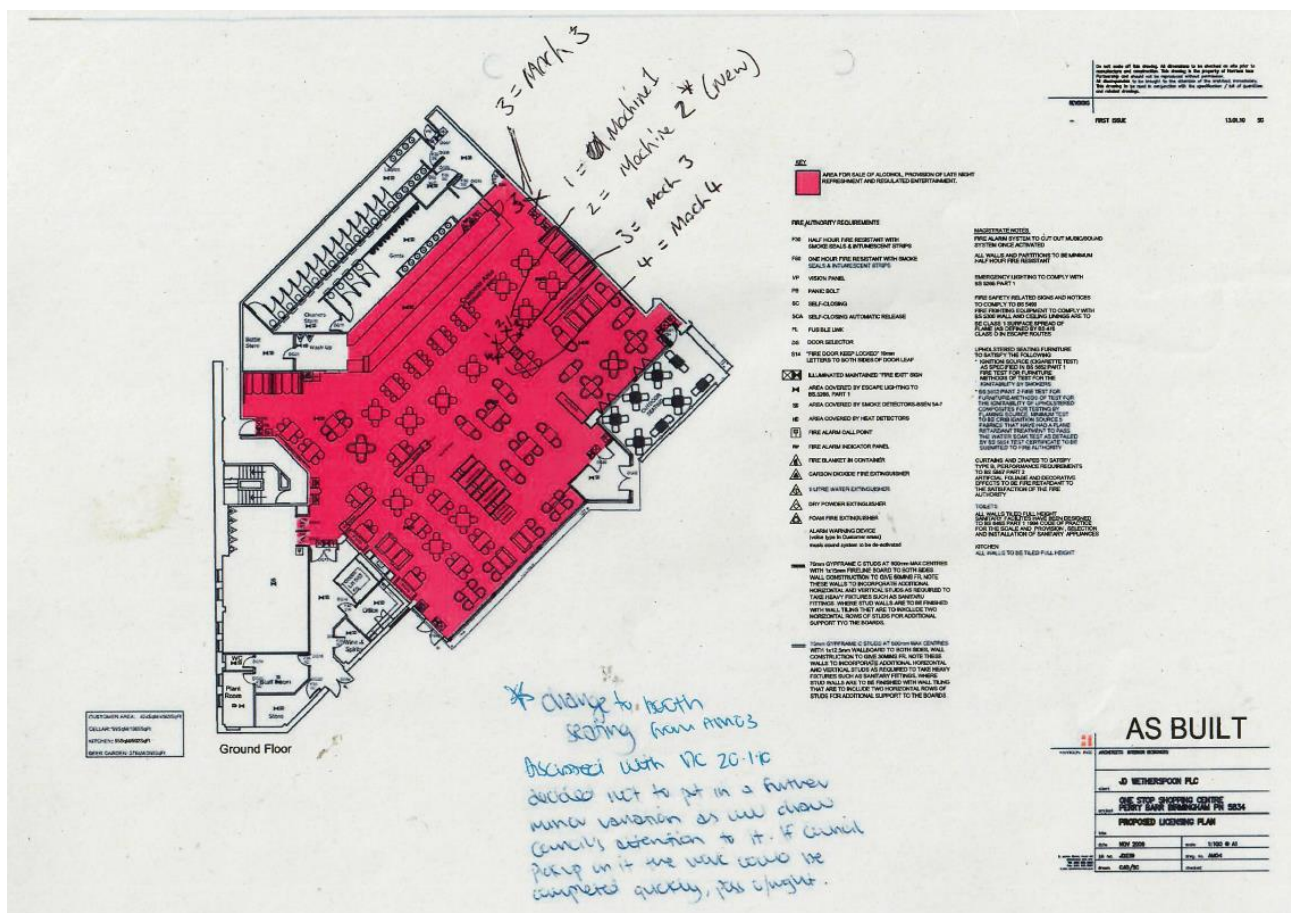
I have also attached a copy of the Company's Policy in relation to Gaming Machines which should assist with our application.

Kind Regards

Jennie Odell

Licensing Paralegal

JD Wetherspoon plc



JD Wetherspoon PLC

Licensed Premises Gaming Machines

Policy and Procedure Overview

We understand when considering this application that the Licensing Authority will consider the 3 objectives of the Gambling Act 2005 and therefore have set out below the policies and procedures JD Wetherspoon undertakes in its pubs to promote these objectives. In addition, the Gambling Commission's "Gaming Machine Permits Code of Practice" is complied with.

1. Protecting children and other vulnerable people from being harmed or exploited by gambling.

To ensure that no persons under the age of 18 are permitted to play on our gaming machines, we abide by a Challenge 21/25 policy in all of our premises. Under this policy, all of our employees are trained to ask any customer who appears to be under the age of 21/25 years to provide valid proof of age that they are over the age of 18. When in use, Door Supervisors are also fully briefed on our policy and what is expected of them in the implementation of the same.

JD Wetherspoon has adopted the industry standards and the recommendations of the Gambling Commission and recognises only the following forms of identification as valid forms of proof of age:

- Valid National passport (any nationality)
- Valid Photographic Drivers' Licence
- United Kingdom 'PASS' accredited age identification card with photograph.
- UK Military ID
- Valid photographic European ID
- Ireland Age Card (Republic of Ireland only)
- NI Electoral Identity Card (Northern Ireland only)

We apply this policy to all age restricted activities on our premises.

All employees receive induction training on our Challenge 21/25 policy when they commence employment with the Company and then receive regular refresher training. All employees complete video training, quizzes and sign a letter to confirm that they have had this training and understand their responsibilities. Records of all training is retained centrally at head office via our online training platform. Staff training records are regularly reviewed by the pub management team and members of our Retail Audit department to ensure that the training system is being satisfactorily completed.

Staff compliance with our Challenge 21/25 policy is tested by a number of means:

1. Management review of a 'refusals log' which records when and how often bar staff are recording when a sale has been refused.
2. Independent mystery visitors who are aged 18 and 19 years are sent into our pubs to test compliance with our Challenge 21/25 policy.

Our Challenge 21/25 policy is also actively promoted within the premises using self-adhesive signs at every entrance and on/around gaming machines.

All front of house staff are aware of their responsibility for preventing underage gambling.

All machines are situated in a place where their use can be supervised and in front of the bar where possible to increase visibility.

Information shall be made available to customers on how to gamble responsibly and how to access information about and find help in respect of problem gambling. The Gamcare Charity's details are made available by way of a sticker on each of the gaming machines.

JD Wetherspoon ensures that there is always a duty manager working on every shift. This means that there is always a senior member of the team on duty to assist with the monitoring and supervision of persons using the machines should customer interaction be required.

2. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime.

The power to all gaming machines is turned off after the pub has closed to ensure potential thieves are not attracted by the lights in the pub.

JD Wetherspoon pubs also have two types of alarm systems, the panic alarm and intruder alarm, which cover the majority of the pub including the customer area where gaming machines are located.

The monitored intruder alarm covers the main entry points when the pub is closed. It is mainly activated by a forced entry into the pub triggering the door contacts or motion detectors. This pub is internally described as having a 'level 1 response' to its alarm system, meaning police response. This is an automated system which feeds through to Secom central station, our alarm consultants, who notify the police and the registered key holders of the pub.

JD Wetherspoon prides itself on provide safe, well run premises for all people to enjoy themselves in. Over our estate of over 800 pubs we spend considerable time and resources ensuring they are all well equipped with adequate and appropriate CCTV coverage.

3. Ensuring that gambling is conducted in a fair and open way.

All of our AWP machines are located in well supervised areas and are regularly monitored by staff and door staff.

JD Wetherspoon PLC
Updated: January 2022

From: Doug Wright
Sent: 30 March 2023 18:46
To: Bhapinder Nandhra
Cc: Shawn Woodcock
Subject: RE: Re – IDOX APPN NO – 162495 - Arthur Roberstson

Bhap,

Called at the premises on the way in tonight.

The AWP has been moved, so the premises is now compliant.

I now have no issues with you permitting the allocation of 5 AWP's.

Regards

Doug Wright
Licensing Enforcement Officer
Licensing Section, P.O. Box 17831, Birmingham, B2 2HJ

From: Doug Wright
Sent: 29 March 2023 13:00
To: Bhapinder Nandhra
Cc:
Subject: RE: Re – IDOX APPN NO – 162495 - Arthur Roberstson

Bhap,

Visited the Arthur Robertson again yesterday afternoon.

AWP still not correctly sited.

Spoke with manager she hadn't been made aware of the girls previous visit.
Will be moving the machine immediately.

I will re-visit again Thursday evening. If I need to will write the report Friday for you.

Hope that's Ok.

I also advised that if they did get permission for the 5 that would need to be in view of the bar or covered by monitored CCTV.

Walked around premises to advise of new positioning available.

Premises perfectly large enough to accommodate 5, just need to ensure first that this is complaint.

Regards

Doug Wright
Licensing Enforcement Officer

CPGM 5834

BIRMINGHAM CITY COUNCIL



This form is prescribed by regulation 4 of the Gambling Act 2005 (Licensed Premises Gaming Machine Permits) (England and Wales) Regulations 2007

Licensed Premises Gaming Machine Permit

No: 404 / 2

This licensed premises gaming machine permit authorises:

J D Wetherspoon PLC

to make gaming machines, of the category and number specified below, available for use on the following premises

The Arthur Robertson, One Stop Shopping Centre, Perry Barr, Birmingham, B42 1AA

Number of Category C Gaming Machines authorised by this permit:	4
Number of Category D Gaming Machines authorised by this permit:	0

Date on which this permit takes effect or is renewed:
22/12/2009

This permit is issued by:
Birmingham City Council
Licensing Section, Crystal Court, Aston Cross Business Village,
50 Rocky Lane, Aston, Birmingham, B6 5RQ

Gaming Machines (Fruit Machine, Slot Machine) Categories**Summary of gaming machine categories and entitlements**

Category of machine	Maximum stake (from April 2019)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

* With option of max £20,000 linked progressive jackpot on premises basis only



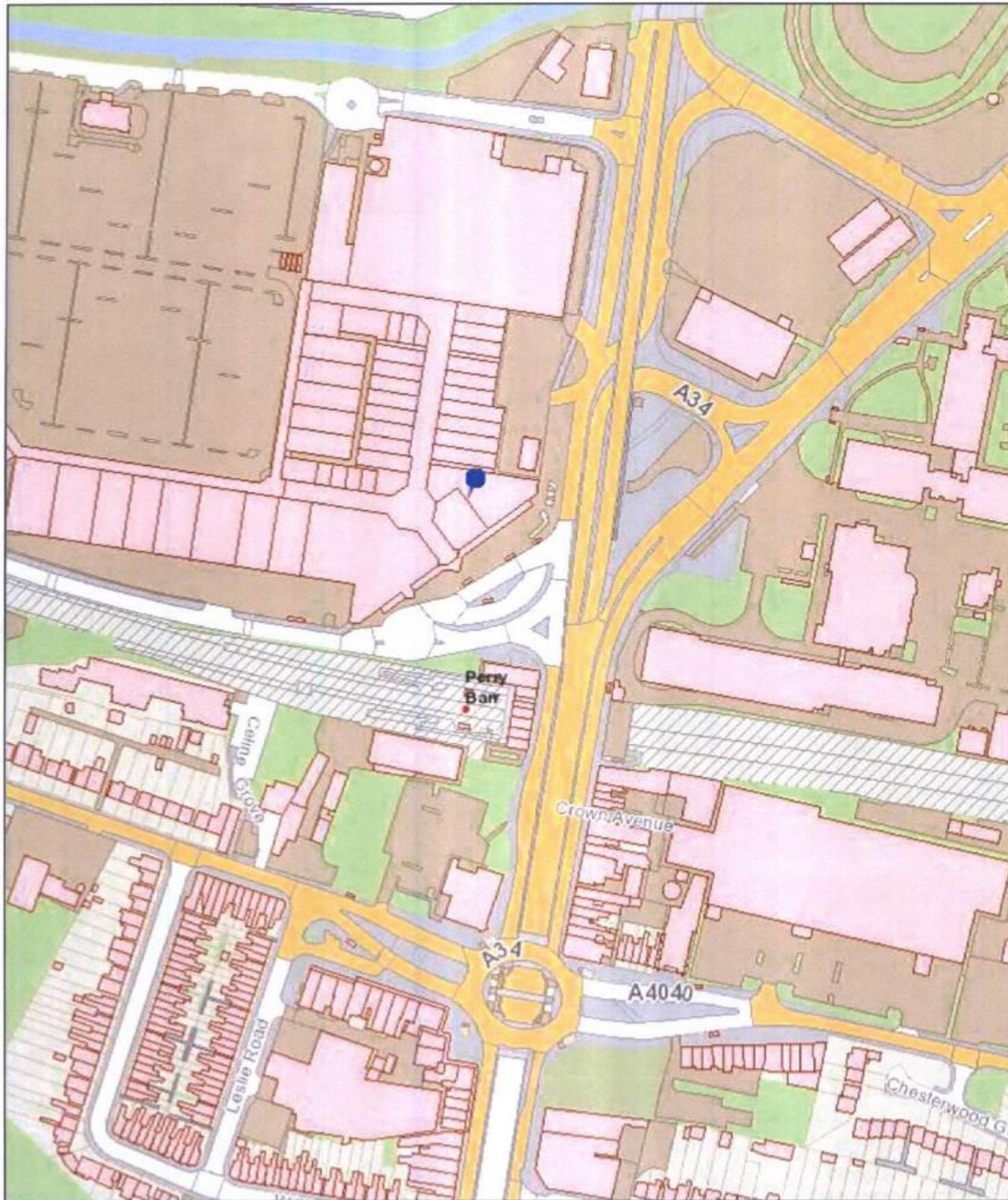
Map Created By:

Date of Map Creation: 09/08/2018

Notes

(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).
 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.
 (c) GeoPerspectives, supplied by Bluesky International Ltd
 Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved

Scale:
 1:7,000



Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 09/08/2018



Scale:
1:2,500

(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.
(c) GeoPerspectives, supplied by Bluesky International Ltd
Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved