

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Friday 23rd April 2021
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Café @ The Old Mill, 18 West Heath Road, Northfield, Birmingham, B31 3TG
Ward affected:	Longbridge and West Heath
Contact Officer:	Bhupinder Nandhra, Senior 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 both on and off the premises) to operate from 08:00am until 11:00pm (Monday to Sunday).

Premises to remain open to the public from 08:00am until 11:00pm (Monday to Sunday).

2. Recommendation:

To consider the representations that have been made and to determine the application.

3. Brief Summary of Report:

An application for a Premises Licence was received on 4th March 2021 in respect of the Café @ The Old Mill, 18 West Heath Road, Northfield, Birmingham, B31 3TG

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:

The Litte Old Café Limited applied on 4th March 2021 for the grant of a Premises Licence for the Café @ The Old Mill, 18 West Heath Road, Northfield, Birmingham, B31 3TG.

Representations have been received from other persons, which are attached at Appendices 1 – 4.

The application is attached at Appendix 5.

A condition has been agreed with West Midlands Police and the applicant, which is attached at Appendix 6.

Site Location Plans at Appendix 7.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-

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

6. List of background documents:

Copy of the representations as detailed in Appendices 1 – 4

Application Form, Appendix 5

Condition agreed with West Midlands Police, Appendix 6

Site Location Plans, Appendix 7

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:

Sent: 31 March 2021 17:46

To: Licensing

Subject: FW: [External]: Application 118674, Cafe at the Old Mill, Longbridge and West Heath Ward

Importance: High

Licensing

Re: Application 1188674

The above application has a deadline for comments by 1st April 2021 and I have received various complaints about the application from residents within the vicinity.

ASB/Noise nuisance is a serious concern despite the proposal for a Noise Management Plan. The density of this area and the geographical layout is a concern for residents who foresee noise disruption travelling to the nearby residential properties thus producing noise pollution.

Inadequate signage and consultation to nearby residents in the vicinity. There are concerns that insufficient time and display of the advertisement has taken place and a request for further consultation is now sought.

Exacerbated parking facility and traffic density within the area serving this proposed Licence. The potential Licence is seen to residents as permission to park vehicles in their already congested nearby roads with additional delivery vehicles causing risk to local pedestrian shoppers.

There are other establishments within very close proximity serving alcohol beverages to the public and whilst competition is not prohibited, there remain concerns on necessity and the potential for anti-social behaviour even after the dispersal policy has been applied from the immediate vicinity of the premises.

Kind Regards

Councillor Debbie Clancy
Longbridge and West Heath Ward

From:

Sent: 31 March 2021 13:26

To: Licensing

Subject: URGENT - Objection to the Permit to sell Alcohol by the premises trading as Café @ The Old Mill

Dear Council

We understand that an application has been made for a permit to sell Alcohol by the premises trading as Café @ The Old Mill at 18 West Heath Road, Northfield, Birmingham, B31 3TG. To sell alcohol both on and off premises between the hours of 8:00 and 23:00 Monday to Sunday inclusive.

We would like to make a formal objection to the license being given due to the following considerations

1. There is already ample provision from the Co-op, Bargain Booze, Drinks Express and Esso Church Hill Petrol station for the purchase of alcohol 7 days a week between the hours of 7am and 10pm with the petrol station selling alcohol 24 hours a day.
2. There is also ample provision for the sale of food from all of the above including a chip shop and Chinese takeaway.
3. Increased activity involving large numbers of people, vehicles, music and alcohol all day is not appropriate for a residential area.
4. A business whose principal hours of business are late at night is not compatible with this location.
5. The sale of alcohol and similar activities this late at night will lead to noise and anti-social behaviour in local streets.
6. There has already been an increase in anti-social behaviour and public order crimes in the area and this will only add to that increase.
7. There has already been a large increase in traffic due to the Garden Centre, flower/plant sales located adjacent to Café @ The Old Mill, which is at the moment trading as a café/takeaway business. This traffic will only become heavier with the opening hours and location of Café @ The Old Mill.
8. As there is no parking access for either the Café @ The Old Mill or the Garden Centre, which is adjacent to the premises, and as such this has already affected residents as residential roads are being used for parking by the businesses in the vicinity. With delivery vans, large vehicles and cars parking across residents driveways.
9. The area behind the Café @ The Old Mill is used as a Car Wash which when lockdown has eased will add to traffic and noise on the road.
10. The type of traffic will also become heavier with the increase of delivery lorries delivering alcohol and food on a road already suffering from large lorry deliveries for the Co-op and Bargain booze.
11. With the increase of traffic and lack of parking members of the public have to walk in the road as cars, delivery lorries are parking on pavements.
12. The proximity of the outdoor seating area impacts members of the public and could force members of the public to walk in a busy road which.
13. The parking of cars and overspill of people waiting to either buy flowers from the Flower Centre or takeaways from the Café @ The Old Mill is limiting access to Pelican crossing due to the closeness of the business is already impacted and will become more hazardous.

14. There has already been a rise in the amount of food wastage and rubbish which will increase encouraging the likelihood of vermin etc.

I would also like to note that as we have been in lockdown the notice by the Café @ The Old Mill to state they have applied for the permit to sell alcohol has not been seen and the positioning of the notice it is not in an area that people would be able to see and be aware of, as it is positioned wrapped around a post and two thirds up from the bottom.

Yours sincerely

Staple Hall Road
Northfield
Birmingham
B31

Staple Hall Road
Northfield
Birmingham
B31

30th March, 2021

by eMail attachment.

Birmingham City Council
General Licensing R&E
P.O. Box 17831
Birmingham
B2 2HJ

cc. Cllr., Brett O'Reilly
Cllr., Debbie Clancy

Licence Appl. - 118674

Dear Sir,

Re., Licence Application - Ref 118674 - 18 West Heath Road.

I have very recently become aware of the application for an Alcohol Licence at the above location. I have concerns about both the proposal, and about the way the application has been advertised, that I wish to make representation against the granting of such a Licence.

First, the way the application has been advertised Or rather, it hasn't. Even though the application was with the Council by 4th March, 2021, I was unaware of the application until late on Sunday 28th March; and only then because I happened to be walking past on that side of the road, and saw the single notice attached to the premises, the 'Café @ The Old Mill'. Canvassing my neighbours today, every one of them I spoke to was equally oblivious to the application. This says to me that there has been no attempt to notify neighbours and nearby premises of the application.

Please accept this as both (a) a complaint and, given that the Representation End Date is only two days away for some possible respondents, (b) a request that the end date of 1st April be abandoned, and only rescheduled once the application has been properly advertised in the area.

As for the application itself, the location is in a chiefly residential area. When the proprietors of the premises applied for 'change of use' Planning Permission in 2013, it was granted with certain conditions, and on the basis of the statements made in the application. The latter said the new use was to be as a café, and that there were 10 car parking spaces and 8 cycle/motorcycle parking spaces. In practice, over time, the premises diversified (until Covid restrictions have kept them shut) into being a Car Wash, and a Barbers, as well as a café.

Since the covid restrictions, half the forecourt has also been in use for flower sales, and in recent days the other half has had a timber structure with a marquee-style roof built on it, presumably for café customers outdoors, when the covid regulations change to allow that. They may not need it (especially since the Planning Classes changed last September) but I can find no trace of any planning permission for these other ventures. I doubt there is any trace of the parking spaces left, either. There is certainly no room left on the forecourt. And from the outset, that lack of parking space gave rise to an increase in anti-social parking in the vicinity. As well as the plain inconvenient, a great deal of it has been downright dangerous, especially where it impacts on the footpaths, the zebra-crossing outside the premises, or the nearby road junction.

The above, I hope, shows how the café's proprietors have treated the planning conditions with what I regard as too much flexibility, and their lack of regard for their neighbours and public highway-users.

One of those planning conditions stated that the hours of opening should be restricted to 08:00 – 18:00, in order to be in line with Paragraphs 3.8 and 3.10 of the Birmingham Unitary Development Plan. Therefore, any alcohol licence outside those hours should not be granted, as it, too, would then run contra to the UDP. However, I would go further and say, on past record, that there should be no licence granted at all.

In respect of the four Licensing Objectives, I can see nothing in either the Mandatory Conditions or the Operating Conditions attached to the application that would actually prevent crime or disorder, merely record any such activity if visible. Just 'promoting' its prevention is not the same.

Similarly, I see nothing about public safety. Given the experience of the dangerous parking since the café opened, I would expect any increased trade to cause an uplift in such occurrences, sadly, increasing the risk to pedestrians and road users, whether customers or the general public, alike.

The prevention of public nuisance seems to take the form of signage requesting customers to respect local residents. I seriously doubt that a culture which has a lack of respect for the Highway Code and the planning regulations will suddenly have a volte-face regarding the local residents.

Apart from the 'Challenge 25' policy which only helps protect older children/young adults in one specific way, there's nothing about protecting, e.g., younger children from harm.

In each of the above four areas, the addition of alcohol into the mix is likely to have a detrimental effect, not a beneficial one.

I would also like to remind you of the increase in crime and disorder at the previous 'Old Mill' pub on the adjacent site to the café, towards the end of its existence. It culminated in an increase in violence with at least one particularly unpleasant stabbing in 2007. No-one I've spoken to today wants to see a return to that sort of behaviour, or anything remotely like it.

Finally, as the area is still residential, primarily, please remember the final paragraph in 3.8 of the UDP which begins, "The keynote must be quality."

I see no quality. Nor a need for the requested licence to be granted, in whole or in part.

Yours faithfully,

Staple Hall
Road Northfield
Birmingham
B31

31st March 2021

To: Licensing
Birmingham City Council

Reference – Alcohol Licence for Cafe @ the Old Mill, West Heath Road, Northfield.

Sir,

I have only just found out that the above cafe has applied for a drinks licence. Luckily, I saw the notice attached to the outside of the cafe as we have not received any other information about this.

Since the cafe opened there has been a lot of nuisance caused by inconsiderate parking on West Heath Road and Staple Hall Road, especially around the junction. Also around the zebra crossing on West Heath Road. When the carwash and then the barbers shop opened there too, it often made it worse. Neither of those were part of the original planning application either. There was meant to be parking on-site but the carwash took over that space and now there is no space in front of the cafe either due to the flower seller and the new outside eating area.

The cafe itself used to close by about 2.30-3.00pm. So to have it open until 11pm selling alcohol is not what the area needs. It will be a magnet for youngsters with nothing better to do but hang around, being influenced by older individuals. Like everyone else, they will also be at risk because of the bad parking which is likely to increase, and for more of the day.

Given that the plan appears to be to use the cafe's new outdoor area next to the footpath, there will be some people who might feel intimidated by having to walk past, especially at night, so close to drinkers. It also means there will probably be an increase in noise until late - especially at closing time. Past experience of the Old Mill pub means we know it will happen. We definitely don't want a repeat of the way that went, once it got very rough and resulted in someone getting stabbed there.

Please consider the residents and refuse the licence. Thank you.

Yours,

* 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.

Registration number

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.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

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

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

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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	Cafe @ The Old Mill
Street	18 West Heath Road
District	West Heath
City or town	Birmingham
County or administrative area	
Postcode	B31 3TG
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	7,300

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**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Private limited company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

* Nationality

[Documents that demonstrate entitlement to work in the UK](#)

Add another applicant

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
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

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.

Cafe

<p><i>Continued from previous page...</i></p> <p>If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend</p> <div style="border: 1px solid black; width: 80px; height: 20px; margin-left: 100px;"></div>
Section 6 of 21
PROVISION OF PLAYS
<p>See guidance on regulated entertainment</p> <p>Will you be providing plays?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
Section 7 of 21
PROVISION OF FILMS
<p>See guidance on regulated entertainment</p> <p>Will you be providing films?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
Section 8 of 21
PROVISION OF INDOOR SPORTING EVENTS
<p>See guidance on regulated entertainment</p> <p>Will you be providing indoor sporting events?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
Section 9 of 21
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS
<p>See guidance on regulated entertainment</p> <p>Will you be providing boxing or wrestling entertainments?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
Section 10 of 21
PROVISION OF LIVE MUSIC
<p>See guidance on regulated entertainment</p> <p>Will you be providing live music?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
Section 11 of 21
PROVISION OF RECORDED MUSIC
<p>See guidance on regulated entertainment</p> <p>Will you be providing recorded music?</p> <p> <input type="radio"/> Yes <input checked="" type="radio"/> No </p>
Section 12 of 21
PROVISION OF PERFORMANCES OF DANCE
<p>See guidance on regulated entertainment</p> <p>Will you be providing performances of dance?</p>

Continued from previous page...

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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

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.

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

Continued from previous page...

SUNDAY

Start 08:00

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

To follow

Family name

Date of birth

/ /

dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

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.

N/A

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

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...

TUESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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.

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)

Continued from previous page...

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

Training in relation to the promotion of the licensing objectives 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.

Documented training records must be kept at the Premises and made available to an officer of a responsible authority on request.

b) The prevention of crime and disorder

CCTV

A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped.

- The system will incorporate sufficient built-in hard-drive capacity to suit the number of cameras installed.
- The system will record and retain CCTV footage for a minimum of 28 days
- The system will record at all times when the premises are open.
- 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.
- CCTV footage must be made available to be viewed by an officer of a responsible authority during an inspection of or visit to the Premises.
- Upon receipt of a request for a copy of CCTV footage from any officer of a responsible authority, the premises will produce that footage within 24 hours.

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:

- Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
- All crimes reported to the venue
- Any faults in the CCTV system, searching equipment or scanning equipment
- Any visit by a responsible authority or emergency service
- The incident book must be made available to officers of a responsible authority upon request or during an inspection

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 to a customer and the name and signature of member of staff refusing the sale. The refusals record must be made available to an officer of a responsible authority upon request.

c) Public safety

d) The prevention of public nuisance

Signs shall be placed at all exits asking customers to respect the needs of local residents and requesting that they leave the premises quietly.

The premises shall have an operational dispersals policy and noise management plan.

e) The protection of children from harm

The premises will adopt the Challenge 25 scheme with appropriate signage to be placed at the entrance to the premises

Continued from previous page...

and adjacent to the counter area.

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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.

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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.

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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.

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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 you 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](#)

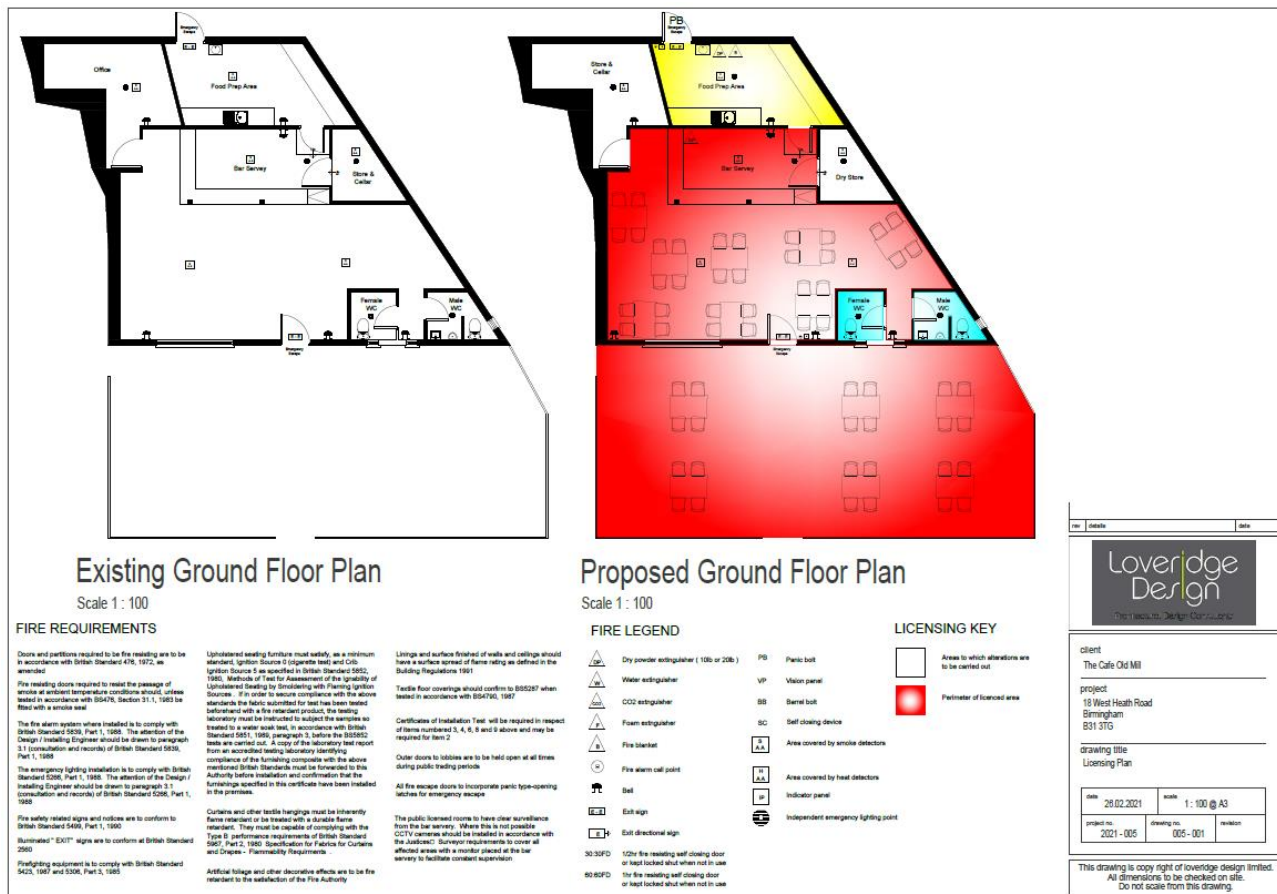
Once you're finished you need to do the following:

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



From: Duncan Craig
Sent: 19 March 2021 16:18
To: Mark Swallow
Subject: [External]: RE: Cafe @ the Old Mill. 18 West Heath Road, Northfield

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

Mark

This is agreed.

Have a nice weekend.

Kind regards,

Duncan Craig
Barrister



Citadel Chambers | 190 Corporation Street | Birmingham | B4 6QD

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From: Mark Swallow
Sent: 19 March 2021 14:14
To: Duncan Craig
Subject: Cafe @ the Old Mill. 18 West Heath Road, Northfield

DUNCAN,

Reference this application our neighbourhood team for the area has made representations in regard to nuisance and ASB potentially coming from the premises.

In view of this could you request your client considers the below condition which I believe would be a proportionate and fair way of mitigating the issue.

All outside areas of the premises will close each day at 2300 hours.

MARK.

