

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 29 NOVEMBER 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**

3 - 26

4 **MINUTES**

To confirm and sign the Minutes of the meeting held on 27 September 2023 at 1000 hours.

To confirm and sign the Minutes of the meeting held on 4 October 2023 at 1000 hours.

To confirm and sign the Minutes of the meeting held on 4 October 2023 at 1200 hours.

27 - 58

5 **LICENSING ACT 2003 PREMISES LICENCE – GRANT MODE
RESTAURANT AND BAR, 163 HAGLEY ROAD, LADYWOOD,
BIRMINGHAM, B16 8UQ**

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

59 - 70

6 **GAMBLING ACT 2005 LICENSED PREMISES GAMING MACHINE
PERMIT THE TENNIS COURT, WALSALL ROAD, PERRY BARR,
BIRMINGHAM, B42 1TY**

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.

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE C 27 SEPTEMBER 2023</p>

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 27 SEPTEMBER 2023 AT 1000 HOURS AT COUNCIL HOUSE, COMMITTEE ROOM 2.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Phil Davis and Sybil Spence.

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)

1/270923 **NOTICE OF RECORDING/WEBCAST**

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2/270923 **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.

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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/270923 Apologies were submitted on behalf of Councillors Bermingham and Wagg and Councillors Davis and Spence were the nominated substitute Member.

**CONTROL OF SEX ESTABLISHMENTS – SEXUAL ENTERTAINMENT VENUE
– LA BELLE'S, 61 NEWHALL STREET, BIRMINGHAM, B3 3RB**

Please note: - this meeting was delayed by over an hour due to apologies submitted by Members and officers seeking replacements.

The following report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting:

On Behalf of the Applicant

Michelle Monaghan – Applicant

Lisa Woodward, Licensing Enforcement Officer also attended the meeting in support of the application.

On Behalf of Those Making Representations

Objector 1 – Also representing Objector 2.

Those making representations have the right to remain anonymous, for that reason the objectors were referred to as 'Objector 1' & 'Objector 2'.

* * *

The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider. No preliminary points were raised.

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, David Kennedy, to outline the report.

The Chair invited the applicant to make their case and Michelle Monaghan made the following statements: -

- a) Both the objectors were concerned about potential drug use and drug dealing, which was nothing more than an imaginary concern.
- b) There was no known correlation between sexual entertainment venues (SEV's) and drug use.
- c) She also noted that there was no evidence of drug dealing in the area.
- d) The responsible authorities had made no objections.
- e) The initial grant application in 2019 received 23 objections many of whom cited the same unfounded suspicions. The Committee still granted the licence.
- f) That she had been operating another SEV premises 'Cyclone' for 11 years, with no issues or concerns and if there were concerns the responsible authorities would have made objections.
- g) The objectors also raised concerns about noise, however the premises previously operated as a bar.
- h) The hours were reduced at the initial grant hearing to ensure there were not conflicts with other venues within the vicinity, nothing had changed since that application.
- i) The deregulation law relating to live music allow music until 2300 hours.
- j) It was important to have a strong thriving business in the area and there was no evidence of negative impact.
- k) That the supporting documents submitted by the objectors highlighted the proximity of houses to the premises, yet no one residing in the properties had made objections.
- l) No other premises nearby, such as Tesco's, made objections.
- m) All the advertisements of the notices were complied with and inspected by the Licensing Enforcement Officer and were compliant.
- n) That the premises is undergoing development, but progress was slow. The area was fenced off.
- o) The premises was a grade 2 listed building.
- p) The building needed extensive restoration.
- q) The venue was not yet trading.

- r) The area had over 500 businesses with over 35,000 people employed yet there had only been two objections based on fears that were unfounded.
- s) She asked the Committee to grant the renewal.

The Chair invited the Licensing Enforcement Officer (LEO) to make their submission and Lisa Woodward made the following points: -

- a) That when the application was received by the team, she carried out two separate site inspections and had no issues, including the notices, on both occasions.
- b) That there was a range of premises nearby including: - residential, community buildings, religious buildings, facilities and other businesses.
- c) That the premises already held a LA2003 premises licence.
- d) Further, she had not been able to fully inspect the premises itself due to the premises not yet trading.
- e) The applicant operated Cyclone successfully without further attention or issues.

The Chair then invited Objector 1 to make their submission and the Objector made the following points: -

- a) That the objection was at appendix 7 of the report. He also submitted additional email.
- b) The main concern was regarding Devonshire House which was the adjacent property to the premises and the only entrance was a few meters away from the side entrance of La Belle's which caused concern regarding safety.
- c) Taxis dropped passengers off directly outside La Belle's and there was an increased risk of street trading as the side streets were dark and ideal for that kind of activity.
- d) Devonshire House was never mentioned in any of the previously hearing reports, it had been ignored.
- e) That Tesco wasn't there in 2019. There was more residential now than there was before.
- f) That most people failed to see the notices that were displayed.
- g) The operating hours submitted were very late and there would be noise overnight.
- h) The business was situated right next to a residential block. He had heard noise from a neighbouring business Jojo Lounge.

- i) That he disagreed that nothing had changed since the last renewal and previous application. The reports failed to include any information about Devonshire House and the Committee wouldn't have had full understanding of the housing in the area.

The Chair then invited questions from Members and Objector 1 gave the following responses: -

- a) That the only resident he had spoken to that resided in Devonshire House was his daughter who had been living there for 18 months.
- b) He didn't think many of the residents were aware of the application.
- c) His daughter could hear noise through the night from neighbouring businesses.
- d) Devonshire House was very close to La Belle's and would be open when all other premises were closed for the night.
- e) That his daughter was 22yo and although she was a reasonably confident lady there were concerns about her safety in the streets.
- f) Devonshire House was not a grade 2 listed building so had no architectural interest.

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

Objector 1 confirmed that they had nothing further to add.

The Licensing Enforcement Officer added a final statement that the reason Devonshire House had not been included in previously was because it looked like office buildings. Residents from the building had never objected to any application.

Michelle Monaghan then made the following closing statements: -

- That whilst there had been much discussion about Devonshire House, there had not been any representations received by them.
- That she didn't believe people didn't know about the application.

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

4/270922

RESOLVED:-

That the application by Michelle Monaghan, for the renewal of the Sexual Entertainment Venue licence under Schedule 3 of the Local Government

(Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009, in respect of La Belle's, 61 Newhall Street, Birmingham B3 3RB, be granted subject to the Birmingham City Council Standard Conditions for Sexual Entertainment Venues.

The Sub-Committee heard that the applicant requested renewal of the licence under the same terms as before. The requested hours and the Plan of the premises remained unchanged, and nothing about the premises' circumstances had changed since 2019. All matters were the same, such as the styles of performance offered. Moreover, there had been no history of complaints against the applicant.

The Sub-Committee was also aware that, subject to any new information produced at the hearing, it did not appear that any of the mandatory grounds of refusal applied to the application: instead, only the discretionary grounds, under paragraph 12(3) in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, could potentially apply. The Sub-Committee noted that these were listed at paragraph 5.3 of the Committee Report.

Written representations had been received from two persons; these were also within the Report. The Sub-Committee considered these carefully in advance of the meeting, together with a supplementary representation which had been submitted by one of them. The Sub-Committee noted the relevance of the Public Sector Equality Duty to the issues raised by those making representations.

The applicant attended the meeting in person, as did an officer from Licensing Enforcement. One of the objectors also attended; he was representing both of the persons who had submitted written representations.

The Sub-Committee heard from the applicant first. She noted that at a previous hearing there had been numerous objections, yet this was not the case in the instant matter. She confirmed that she had carefully read the written representations from other persons, but considered that they raised "imaginary concerns" which were not at all relevant to her application, or indeed to the operation of licensed sexual entertainment venues in general. In particular, she asked the Sub-Committee to note that neither West Midlands Police nor Licensing Enforcement shared any of these concerns.

She remarked that suggestions that drug use could potentially come to be associated with the premises were not likely to happen, nor had this possibility been raised before at previous Sub-Committee meetings.

She noted that the surrounding area was characterised by numerous commercial premises including retail, hospitality and other businesses; she therefore felt that a suggestion that emanation of noise from the premises could create problems was not likely to happen, as the site had previously been a public bar which had been licensed to long hours. She reminded the Sub-Committee that the deregulation provisions meant that she could play music until 23.00 hours in any event.

She considered that she was a key contributor to the local economy, and asked the Sub-Committee to bear in mind that in the post-Covid era, and amidst the current cost of living crisis, local businesses should be supported where there was no evidence of a potential for adverse impact.

She had read the document submitted by Licensing Enforcement, which had set out the street scene in Newhall Street. She had noted that, among the local residential population, only the two residents whose representations were in the Report had raised any concerns at all; among the large number of business premises in the neighbourhood, which included a branch of the Tesco national supermarket chain, no worries of any kind had been expressed. She reminded the Sub-Committee to note that she had advertised the application properly, via the display of a notice, exactly as required by the regulations. The Sub-Committee accepted this.

She concluded by asking the Sub-Committee to put the application in context – namely that from a total of approximately “500 local businesses, employing around 35,000 staff”, there had been two objections, and moreover that those two objections relied upon “unfounded fears”, which were not based on the applicant, her operating style, or other matters of fact.

The Sub-Committee then heard from Licensing Enforcement. The officer had conducted two visits, and had submitted a document giving details of all nearby premises, businesses and residential dwellings. The officer was aware that the applicant held the licence for a separate sexual entertainment venue - the Cyclone Club, on Broad Street; the officer confirmed that no concerns whatsoever surrounded the operation of that venue.

The Sub-Committee then heard from one of the two persons who had made written representations; he was representing both persons. He observed that Devonshire House, a block of residential apartments, was adjacent to the La Belle’s premises. He stressed that whilst he was sympathetic to the financial difficulties for such premises which had been created by the Covid-19 lockdowns, his priority was women’s safety. He had set out his fears in the document which was in the Committee Report, and summarised these as problems created by taxi drops in the vicinity, and the potential risk of on-street nuisance behaviour related to prostitution (especially in the dark side streets).

He had heard the applicant’s observation that Devonshire House had not been mentioned at the Sub-Committee meetings in previous years, but stated that development in the area was ongoing. He considered that the neighbourhood was much more residential, and more pedestrianised, than the Licensing Enforcement Officer had said. His concern was the safety of young women living nearby.

Regarding the proposed operating hours of the venue, the objector said that noise would be created overnight to 05.00 hours, and that he had found that noise did carry to Devonshire House from other entertainment premises in the area. He described this as noise “echoing through” from those other premises, and reiterated that La Belle’s would be open all night. However, one Member

remarked that any noise echoing through could not be from La Belle's, which was not yet trading.

The Objector was afforded the opportunity to sum up, but elected not to add anything further. The Licensing Enforcement Officer when summing up remarked that the reason the building had been omitted from her report was due to it not being immediately obvious that it contained residential apartments having been converted from office use.

The applicant in her summing up reminded the Members that at a previous hearing there had been 40 objectors; in contrast, only two objections had been raised in the instant matter. She urged the Sub-Committee to disregard the representations, on the basis that a perceived risk to women living nearby was simply that – a perceived risk. She considered that if there were any genuine safety concern, West Midlands Police would have made a representation.

When deliberating, the Sub-Committee noted that there had been no material change since the last Sub-Committee meeting, and also that there had been no representation from the police. The suggestion of current noise nuisance could only be attributed to existing premises, and therefore any complaint should have been directed at that premises. The references to the potential risk of drug-related activity were not based on evidence, and could apply to any venue. Finally, it was not likely that a well-managed licensed sexual entertainment venue would be associated with on-street prostitution.

The members considered that trust could be placed in the applicant, as she was a highly experienced person who was fully accustomed to managing other sexual entertainment venues professionally, responsibly and carefully. The Sub-Committee observed that the applicant had been operating in Birmingham without problems, and that nothing had changed since the previous meeting.

The Sub-Committee examined the discretionary grounds for refusal shown in paragraph 5.3 of the Report, together with the evidence submitted by Licensing Enforcement, and found that the locality was not incompatible with the style of operation. The photographs in the Report showed that the premises blended in well with the street scene, and the applicant did not display any exterior signage whatsoever suggesting that the premises was a sexual entertainment venue.

The Members were aware from their local knowledge that a large number of commercial and business premises surrounded La Belle's. Newhall Street was not solely a residential area, and was characterised by the activities that one would expect in a bustling city centre location. The Sub-Committee also accepted that night-time entertainment venues in the area were a key contributor to the local economy.

The Sub-Committee did not find anything in the written representations to suggest that the proposed operation was unsatisfactory. However, in accordance with the Public Sector Equality Duty, the Members looked very carefully at whether there could be an unacceptable risk to the safety of women if the renewal of the licence were to be granted.

However, the Members did not accept that a well-run sexual entertainment venue would inevitably create any such risk; the applicant was trustworthy and there was no reason to suppose that La Belle's would adversely affect the lives of women living in the area. A licensed sexual entertainment venue was a legitimate business, and provided it was run well, was not of itself likely to create a situation which would disadvantage or endanger women living nearby. The applicant's past history strongly suggested that it would indeed be run well. All was therefore found to be in order, and the Sub-Committee therefore granted the renewal with the standard conditions.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Sexual Entertainment Venue Policy, the information contained in the application, the written representations received, and the submissions made at the hearing by the applicant, by Licensing Enforcement and by the other person making representations.

The applicant has a right of appeal against this decision. The time for appeal to the Magistrates' Court is contained in Schedule 3, paragraph 27 of the Local Government (Miscellaneous Provisions) Act 1982, and should be made within 21 days of the decision.

The meeting ended at 1147 hours.

Chairman.....

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 4 OCTOBER 2023

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON TUESDAY 4 OCTOBER 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Diane Donaldson and Penny Wagg.

ALSO PRESENT

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

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

1/041023 **NOTICE OF RECORDING/WEBCAST**

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2/041023 **DECLARATION OF INTERESTS**

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

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/041023 Apologies were submitted on behalf of Councillor Bermingham and Councillor Donaldson was the nominated substitute Member.

MINUTES

4/041023 That the public part of the Minutes of the meeting held on 6 September 2023 at 1000 hours were noted and the Minutes as a whole were confirmed and signed by the Chair.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – BURGER BOI, 156 HIGH STREET, HARBORNE, BIRMINGHAM, B17 9PN.

* * *

On Behalf of the Applicant

Harminder Singh – Applicant
Telly Sarai – Agent

Those Making Representations

Richard Kilroy – Local Resident
Jayant Gunchala – Local Resident

* * *

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

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 chair invited the applicant to make their presentation and Richard Taylor, on behalf of the applicant made the following points: -

- a) The new business had been in operation for 3 months. They had a good base of customers and great reviews on platforms such as 'Just Eat' and 'Google'.
- b) That 80% of their business was take away food to be consumed off the premises.
- c) The majority of alcohol would be consumed off the premises.

- d) It was only occasionally that people walked in and consumed alcohol on the premises.
- e) That they wanted to work with local residents and resolve issues.
- f) They were the only burger shop on Harborne High Street. There was a demand for the service.
- g) The planning permission had all been granted following a few amendments.
- h) All notices and advertisements had been complied with.
- i) There were no objections to the planning application.
- j) There were three other takeaways in the locality.
- k) The pizza shop had been operating without issues since they opened.
- l) They had spoken with the pizza shop owner and they hadn't experienced any issues with noise, public disorder or anti-social behaviour.
- m) Burger Boi has been in business for over 30 years and was family run.
- n) That it was a quality establishment and was not likely to attract the kind of clientele associated with trouble.
- o) The premises would create employment for over 20 people locally.

In answer to Members questions Telly Sarai gave the following responses: -

- a) That the applicant had previous experience as a PLH (premises licence holder).
- b) That the staff arrived early, and breakfast was served from 0900 hours until 12noon. Then the evening menu started.
- c) During the breakfast hours no alcohol would be served.
- d) That they had applied for the 0800 hours licence because that was the period they were open, however they didn't anticipate anyone wanting alcohol during the breakfast period.
- e) He confirmed that they didn't anticipate a demand for alcohol between 0900 hours and 12noon.
- f) That they were fully aware of their obligation under the licensing laws and would carry out all age verification checks prior to serving alcohol.
- g) The applicant already had experience running a similar premises for 16 years.

- h) There were no issues of underage sales and they wouldn't allow it.
- i) The premises was a slightly up market burger shop. They didn't tend to attract people of a very young age due to the costs of the burgers/meals.
- j) The delivery drivers entered and exited at the front of the premises as there was no access at the back.
- k) The delivery drivers parked within the parking zones in front of Lloyds bank and Bull Street. The majority of them arrived on scooters.
- l) That they had bins on site for rubbish, which were emptied regularly. They also had commercial waste collections.

The Chair then invited those making representations to make their presentations.

Due to technical difficulties Richard Kilroy typed his submission into the chat function, see below the submissions copied from the chat facility (these were read out by the Chair in order to ensure that all parties, officers and the public could hear what Mr Kilroy had to say): -

'I have a query, I was advised by email from Bhapinder Nandhra on 15th Sept that alcohol not form part of any delivery, and only sold in conjunction with food? Is this an off license?

The restaurant has our and neighbour's properties to the rear. Can we get assurance that the music will not be audible outside of the property, especially late night and early morning?

no further issues, just to stress that alcohol may be available here to take out after other pubs will be closed, what impact will this have on a narrow part of the pavement

Nothing further – thank you.'

The Chair then invited Jayant Gunchala to make his submission, he made the following points: -

- a) That he had several concerns.
- b) They had spoken with the Council regarding the music and someone must have spoken with the applicant.
- c) Cardboard was left in the way and he tripped over it.
- d) Oil drinks and boxes all stacked up to 9 feet high which was hazardous.
- e) The pub two doors down had recently closed and he was concerned that the patrons would move to the Burger Boi to buy alcohol.

That Chair asked how far away the premises was from Mr Gunchala's home, he stated that he lived next door, he added that there were a series of flat occupied in the vicinity. The demographic in the area was close to mid 20s.

The Chair invited all parties to make a brief closing submission and Mr Kilroy and Mr Gunchala advised that they had nothing further to add.

The applicant/representative were invited to make their closing submission and Telly Sarai made the following closing statements: -

- That Mr Kilroy was correct that alcohol could only be purchased as part of a food order. No alcohol would be sold on its own.
- They were aware of the music issues and moving forward would not play music outside of their operating hours.
- They did open the doors sometimes; to let fresh air into the premises.
- That Harborne stores was right in front of Mr Gunchala's residence which played music until after midnight.
- The premises would be closed before the Slug and Lettuce.
- The other issues raised by the objectors were not a concern for the Licensing Committee. However, they had increased the frequency of the bin collections and provided extra bins.
- There were no issues with people congregating and causing a nuisance.
- They wanted to work the residents.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision was announced to all parties and full written adjournment decision was sent to all parties as follows;

05/041023 **RESOLVED:-**

That the application by Harinder Singh Mandair for a premises licence in respect of Burger Boi, 156 High Street, Harborne, Birmingham B17 9PN, be granted subject to the conditions agreed between the applicant and West Midlands Police in advance of the meeting, as follows:

- If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 28 days and made immediately available to any of the responsible authorities on request. The CCTV will be checked to ensure that it is working each week. The time of the check, the identity of the person carrying this out and the result of it will be recorded in the incident log
- Alcohol will not form part of any order for delivery
- Recorded music will only be background music
- Alcohol will only be sold in conjunction with an order for food

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will also form part of the licence issued.

The applicant attended the meeting, together with the premises' operations manager, who addressed the Sub-Committee. The premises was a new business, which was in its third month of operation since opening. The premises had a good base of local customers based around Harborne, and had received favourable customer reviews on social media platforms and the Google Business review site.

The premises had decided to make the application as more than 80% of the business was conducted via UberEats, namely takeaway food to be consumed off the premises. A condition suggested by West Midlands Police prevented the sale of alcohol for home delivery; the operations manager therefore considered that "very little" alcohol would be consumed on the premises.

The premises had read the written representations submitted (which were in the Committee Report). Regarding the music played, it would be at background volume only, and would be purely for ambience; music had been played at that volume since the start of operation three months ago.

The operations manager said that all those at the premises were more than willing to work with all the local residents in the event of any issues, and stressed that the premises had no desire whatsoever to create nuisance for residents. The premises was keen to work with the local community to provide a service which was in demand. The operations manager remarked that it was the only high-quality burger shop on Harborne High Street. He also observed that judging by the turnover, and the interest that the premises had had in the first two months of operation, the application was "more than justified".

In terms of some of the objections that had been raised, the operations manager stressed that the premises "had followed all the rules and regulations". Notices had been displayed properly. The premises had sought full planning permission prior to opening, and was dealing with the minor amendments required by the Planning department of the City Council, including a noise survey and also a site survey. The applicant was a personal licence holder.

The premises therefore felt that it had done everything it could to make sure that it was working in conjunction with all the authorities, as well as local residents. Staff had been going round to visit a few of the local residents, and had not heard of any objections until the instant application was submitted.

The operations manager confirmed that there were similar premises

nearby - other takeaway businesses, which had been operating without any issues relating to crime and disorder, public nuisance or noise. The Burger Boi premises intended to make sure that it did not create any such issues either. The Burger Boi company had been operating as a family business for over 30 years. It had been a very successful company and was a growing business. The operations manager remarked that it was a high-end premises, and accordingly very unlikely to attract the kind of nuisance clientele associated with more downmarket or cheaper takeaway food establishments.

He reiterated that having read all the objections, the premises was willing to work with all parties to make sure that issues were rectified satisfactorily. Anyone could approach staff in the shop, and all the management were more than willing to give their personal numbers and emails out for people to contact them directly. He observed that the premises was “a bonus to the High Street”, particularly as it had created employment for over 20 people. He considered that the rate at which the business was growing perhaps suggested a likelihood of further job creation in future.

The premises opened at 09:00 hours, to serve breakfast until 12 noon, when the usual menu service began. The operations manager did not consider it likely that many would want alcohol between the breakfast period from 09.00 to 12.00, which was a quiet period for the premises in any event. Regarding the protection of children from harm objective, the premises was aware of the numerous local schools in the vicinity, but paid close attention to age verification checks, and also considered that due to the “upmarket burger” offer, it did not attract those of a very young age.

The UberEats aspect of the operation was not creating any problems, as the drivers collected from the front of the premises, and had been parking within the parking zones in front of the premises; the majority of the delivery drivers used scooters, not cars. Similarly, there were no issues arising from litter due to the bins on site, which were emptied on a regular basis. The premises had daily collections from commercial waste refuse companies. The applicant was confident that there would be no adverse effect whatsoever on the licensing objectives.

The Sub-Committee then heard from two of the persons who had made written representations. They expressed their worries over parking, waste (including noise from collections), and music noise emanating from the kitchen. They were also concerned about teenagers potentially being exposed to alcohol, particularly given that a nearby public house, known to serve burgers, had recently closed down.

In response to these comments, the operations manager confirmed that alcohol would be served with food orders only; nobody would be able to come in and buy alcohol on its own. The premises was aware of the issues with the music and had taken all measures to make sure

that audible music would not be heard outside opening hours; however, the nature of kitchen work and requirement for fresh air meant that the door had to be open when trading. The Sub-Committee accepted this. The operations manager observed that the Harborne Stores public house played loud music until after midnight. Burger Boi would be closing before the terminal hour of the Harborne Stores and Slug and Lettuce public houses.

He went on to add that Burger Boi “definitely won't be allowing people to congregate [outside] because we put our shutters down just after our published closing times, which will be 23.00 hours Sunday to Thursday, and midnight on the Friday and the Saturday”. The Sub-Committee noted this.

Regarding waste, he added that the bin collections had been increased in frequency, so there would be no chance of any rubbish lying around. Furthermore, the premises had put extra bins out to ensure that issues would not arise, as it was a new business and therefore unsure of how much waste it would generate. Oil collections were done on a regular basis. The operations manager repeated his offer to be available for local people to express any further concerns by contacting him directly.

The Sub-Committee noted that under paragraph 9.43 – 9.44 of the Guidance issued under s182 of the Act, there was a presumption to grant such applications unless there was good evidence of a risk to the promotion of the licensing objectives. The Sub-Committee therefore looked carefully at whether there was evidence that the proposed operation would in fact have an adverse effect on the licensing objectives.

The application had resulted in no representations from the Police, as the applicant had accepted the proposed conditions in advance of the meeting. (The Sub-Committee was of course aware that the Guidance recommended that the Police should be the Sub-Committee's main source of advice on matters of crime and disorder). Similarly, Trading Standards, Environmental Health, Licensing Enforcement, and indeed the rest of the responsible authorities had raised no issue with the proposed style of operation. The responsible authorities were the experts in their respective fields, and therefore the evidence was that the experts found the application satisfactory.

Whilst the Members had listened carefully to the concerns raised by those making representations, it seemed that the majority of the worries had not taken into account the careful operating style of a high-end takeaway shop which was already trading. In particular, the issues raised, which the Sub-Committee considered to be the initial teething troubles seen at many new businesses, did not seem to be insurmountable, largely thanks to the management style described by the operations manager. The Sub-Committee considered that the premises had displayed a cooperative and friendly attitude to its

neighbours, and a desire to offer a high-end takeaway premises which would be a benefit to the local community.

The Sub-Committee took on board the concerns of those living nearby, but after careful consideration, found that these were not closely linked to the promotion of the licensing objectives. Adequate measures had been introduced by the premises to deal with those aspects which did relate to the licensing objectives – namely litter, waste collections, and also noise emanating from the kitchen outside trading hours. Overall, the Sub-Committee considered that the points made had been adequately covered by the applicant. The Sub-Committee therefore did not find that there was an overwhelming evidential and causal link between the issues raised in the written representations and the effect on the licensing objectives.

Suggestions in the representations of a potential for antisocial behaviour in the area, such as patrons congregating outside the premises, had not been supported by the responsible authorities. The Sub-Committee noted that UberEats deliveries were mainly carried out by scooters, not cars. There was therefore no aspect of the operation which the Sub-Committee considered likely to create significant public nuisance.

The 09.00 hour start time for the sale of alcohol was unlikely to put the upholding of the licensing objectives at risk, because a condition of the licence required that the sale of alcohol had to accompany a food order. Moreover, the operations manager had already confirmed that he anticipated very low demand for alcohol in the morning.

Regarding the potential for risks to children, the Sub-Committee's view was that alcohol would be sold responsibly, with careful age verification checks to be undertaken, and it was therefore highly unlikely that the grant of a licence would cause any dangers to local youngsters. The trading hours were not unusual for the area. The Sub-Committee also accepted the point that the high pricing seen in "upmarket" burger premises such as Burger Boi was also likely to resolve such issues.

All in all, the Sub-Committee determined that the premises was aware of its responsibilities in terms of the licensing objectives. The operations manager was confident that the premises could operate well, and that any risks to the licensing objectives would be managed well. The Sub-Committee agreed with this.

The application had been straightforward, with no objection from West Midlands Police, or from any of the other responsible authorities. The applicant had put forward an operating schedule which properly addressed the promotion of the licensing objectives. All in all, the application inspired confidence.

Members therefore concluded that by granting this application, the four

Licensing Sub-Committee C – 4 October 2023

licensing objectives contained in the Act would be properly promoted. The premises had shown a cooperative attitude towards its neighbours. The Sub-Committee was satisfied that trading would be safe, and noted that both the applicant and the operating schedule were suitable. The application was therefore granted.

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 a premises licence, the written representations received, and the submissions made at the hearing by the applicant and operations manager, and by other persons.

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 meeting ended at 1105 hours.

CHAIR.....

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 4 OCTOBER 2023

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON TUESDAY 4 OCTOBER 2023 AT 1200 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Sam Forsyth in the Chair;

Councillors Diane Donaldson and Penny Wagg.

ALSO PRESENT

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

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

8/041023 **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.

9/041023 **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

10/041023 Apologies were submitted on behalf of Councillor Bermingham and Councillor Donaldson was the nominated substitute Member.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – BEETS LOUNGE, 60 BARR STREET, NEWTOWN, BIRMINGHAM, B19 3DX.

* * *

On Behalf of the Applicant

Sarah Clover – Barrister
Carl Moore – Licensing Consultant

Those Making Representations

Harjinder Soond – Central Framing
Ravinder Khatkar – Resident

* * *

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

Sarah Clover, Counsel on behalf of the applicant, advised that the applicant had been taken seriously ill. He was a man of Swedish nationality, and his medical care was being undertaken in Sweden. At this stage she was unable to give the Committee any further information regarding the medical situation, other than that it was very serious and would require on-going medical care. Furthermore, Ms Clover was clear in her instruction that the applicant wanted to be in attendance and therefore she requested an adjournment.

The Chair asked the objectors for their views on the request, and they had no objections but were concerned about the time frame of the adjournment.

The Chair advised that if the Committee were minded to agree the adjournment request, then they wouldn't be able to give a date to re-schedule the adjourned hearing until the Committee had further information about the health of the applicant, but that the applicant/legal representative would be required to update the Committee by Friday 6 October 1600 hours as to the health of the applicant and a likely date for the re-scheduled adjourned hearing.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision was announced to all parties and full written adjournment decision was sent to all parties as follows;

11/041023 **RESOLVED:-**

That the application by Beets Club and Lounge Limited for a premises licence in respect of Beets Lounge, 60 Barr Street, Newtown, Birmingham B19 3DX, be adjourned to a date outside the statutory hearing window, in accordance with regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005.

The Sub-Committee heard from counsel for the applicant that due to the applicant's ill health the meeting ought to be adjourned. The meeting was therefore adjourned to a date to be confirmed. The Sub-Committee asked that those acting for the applicant should update the Licensing Department regarding a suitable date by the end of the working week.

The rescheduled hearing date will be announced to all parties as soon as practicable. It will be an online meeting conducted via Microsoft Teams.

The meeting ended at 1220 hours.

CHAIR.....

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	Licensing Sub Committee C
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Wednesday 29th November 2023
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Mode Restaurant and Bar, 163 Hagley Road, Ladywood, Birmingham, B16 8UQ
Ward affected:	Ladywood
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 12:00midday until 12:00midnight (Sunday to Thursday) and 12:00midday until 02:00am (Friday and Saturday).

The provision of Regulated Entertainment consisting of live music, and recorded music, to operate indoors only, from 12:00midday until 12:00midnight (Sunday to Thursday) and 12:00midday until 02:00am (Friday and Saturday).

To permit the provision of Late Night Refreshment, to operate indoors only, from 11:00pm until 12:00midnight (Sunday to Thursday) and 11:00pm until 02:00am (Friday and Saturday).

Premises to remain open to the public from 12:00midday until 12:30am (Sunday to Thursday) and 12:00midday until 02:30am (Friday and Saturday).

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 12th October 2023 in respect of Mode Restaurant and Bar, 163 Hagley Road, Ladywood, Birmingham, B16 8UQ.

Representations have been received from other persons.

4. Compliance Issues:
4.1 Consistency with relevant Council Policies, Plans or Strategies:
<p>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.</p>
5. Relevant background/chronology of key events:
<p>Rebecca Ekemode applied on 12th October 2023 for the grant of a Premises Licence for Mode Restaurant and Bar, 163 Hagley Road, Ladywood, Birmingham, B16 8UQ.</p> <p>Representations have been received from other persons, which are attached at Appendices 1 & 2.</p> <p>The application is attached at Appendix 3.</p> <p>Conditions have been agreed with West Midlands Police and Birmingham City Council Licensing Enforcement, which are attached at Appendices 4 & 5 respectively.</p> <p>Site Location Plans at Appendix 6.</p> <p>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:-</p> <ol style="list-style-type: none"> 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:
<p>Copies of the representations as detailed in Appendices 1 & 2.</p> <p>Application Form, Appendix 3.</p> <p>Conditions agreed with West Midlands Police, Appendix 4.</p> <p>Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 5.</p> <p>Site Location Plans, Appendix 6.</p>
7. Options available
<p>To Grant the licence in accordance with the application.</p> <p>To Reject the application.</p> <p>To Grant the licence subject to conditions modified to such an extent as considered appropriate.</p> <p>Exclude from the licence any of the licensable activities to which the application relates.</p> <p>Refuse to specify a person in the licence as the premises supervisor.</p>

From:

Sent: 22 October 2023 15:03

To: Licensing

Subject: Re: Fwd: Licensing application for 163 Hagley Road B16 8UQ

From flat hagly road

Subject: Licensing application for 163 Hagley Road B16 8UQ

To: Whom It may concern

From:

Date:

I want to express concerns about I live above/next door to mentioned premises. Late serving of alcohol and loud music is disturbing to our peace and quiet in the neighbourhood.
Please consider our lives when making your decision on the above application.

Yours truly


From:
Sent: 26 October 2023 19:09
To: Licensing
Subject: Re: 163 Hagley Ra License application

To: whom it may concern
From:
163a Hagley Road , Birmingham B16 8UQ
Date: 21/10/2023

I am writing to express concerns about the above application. I am the landlord for the flats above /
Hagley road and my tenants have complained about the above Licences application. They are concerned
about serving of alcohol and music till late hours. My tenants are prepared to give notice if the application is
approved and this is unacceptable for my business.
I hope you would make the right decision considering the neighbourhood tranquility.

With regards

Landlord of flats above
Hagley Road

	Birmingham Application for a premises licence Licensing Act 2003	For help contact licensingonline@birmingham.gov.uk Telephone: 0121 303 9896
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* 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	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	MODE' RESTAURANT AND BAR	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	REBECCA	
* Family name	EKEMODE	
* 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.

Continued from previous page...

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"/>

Agent Details

* First name	<input type="text" value="ANIL BHAWSAR"/>
* Family name	<input type="text" value="GREENHILL LICENCES"/>
* E-mail	<input type="text"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

☐ 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 private individual acting as an agent

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

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text" value="GREENHILL LICENCES"/>
* 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"/>

Section 2 of 21

PREMISES DETAILS

Continued from previous page...

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	MODE' RESTAURANT AND BAR
Street	163 HAGLEY ROAD
District	
City or town	BIRMINGHAM
County or administrative area	
Postcode	B16 8UQ
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	8,900

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 His 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	<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"/>

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	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy
* Nationality	<input type="text"/>
Right to work share code	<input type="text"/>

Documents that demonstrate entitlement to work in the UK

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? 10 / 11 / 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.

A FORMER HOT FOOD TAKEAWAY . NOW BEING REFURBISHED . THIS WILL BE A RESTAURANT AND BAR . SITUATED ON A PARADE OF OTHER BUSINESS . REQUESTED OPENING HOURS SIMILAR TO OTHER BUSINESSES WITH FOOD AND DRINK . ACTIVITIES INCLUDE , SALE OF ALCOHOL, LATE NIGHT REFRESHMENT, RECORDED AND LIVE MUSIC.

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

Standard Days And Timings

Continued from previous page...

MONDAY

Start 12:00

End 00:00

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 12:00

End 00:00

Start

End

WEDNESDAY

Start 12:00

End 00:00

Start

End

THURSDAY

Start 12:00

End 00:00

Start

End

FRIDAY

Start 12:00

End 02:00

Start

End

SATURDAY

Start 12:00

End 02:00

Start

End

SUNDAY

Start 12:00

End 00:00

Start

End

Will the performance of live music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

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

Continued from previous page...

Non-standard timings. Where the premises will be used for the performance of live music 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 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☒ Yes ☐ No

Standard Days And Timings

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

Continued from previous page...

SUNDAY

Start End

Start End

Will the playing of recorded music take place indoors or outdoors or both? Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

☒ Indoors ☐ Outdoors ☐ Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music

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 playing of recorded music 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 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?

Continued from previous page...

Standard Days And Timings

MONDAY

Start 23:00

End 00:00

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 23:00

End 00:00

Start

End

WEDNESDAY

Start 23:00

End 00:00

Start

End

THURSDAY

Start 23:00

End 00:00

Start

End

FRIDAY

Start 23:00

End 02:00

Start

End

SATURDAY

Start 23:00

End 02:00

Start

End

SUNDAY

Start 23:00

End 00:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☒ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

Continued from previous page...

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 late night refreshments 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 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

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

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...

SUNDAY

Start 12:00

End 00:00

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 REBECCA EKEMODE

Family name EKEMODE

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"/>
Personal Licence number (if known)	<input type="text" value="168968"/>
Issuing licensing authority (if known)	<input type="text" value="BIRMINGHAM CITY 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.

NONE

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start	<input type="text" value="12:00"/>
Start	<input type="text"/>

End	<input type="text" value="00:30"/>
End	<input type="text"/>

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 12:00

End 00:30

Start

End

WEDNESDAY

Start 12:00

End 00:30

Start

End

THURSDAY

Start 12:00

End 00:30

Start

End

FRIDAY

Start 12:00

End 02:30

Start

End

SATURDAY

Start 12:00

End 02:30

Start

End

SUNDAY

Start 12:00

End 00:30

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.

--

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.

ALL DUTIES TO BE A RESPONSIBLE WILL BE CONDUCTED IN A MANNER SUTIALBE NOT TO UNDERMINE THE OBJECTIVES OF THE LICENCE ACT 2003.

b) The prevention of crime and disorder

The premises shall install and maintain a digital CCTV system
The CCTV system shall have sufficient hard drive storage capacity to store a minimum of 28 days.
All staff shall be trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.
An incident log will be kept at the premises. It will be made immediately available on request to an trading standards officer or the police, and record the following;
All crimes reported to the premises (where relevant to the licensing objectives)
Any incidents of disorder

c) Public safety

All areas within the public area will be kept clear from obstruction.

d) The prevention of public nuisance

Prominent, clear and legible signage shall be displayed at exit to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly. (Quiet Notice)
All employees will be vigilant and monitor the area immediately outside the premises.
Deliveries to the premises shall be conducted in a manner that will not cause any nuisance

e) The protection of children from harm

The premises shall install and maintain a digital CCTV system
The CCTV system shall have sufficient hard drive storage capacity to store a minimum of 28 days.
All staff shall be trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.
An incident log will be kept at the premises. It will be made immediately available on request to an trading standards officer or the police, and record the following;
All crimes reported to the premises (where relevant to the licensing objectives)
Any incidents of disorder

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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 of 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 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:

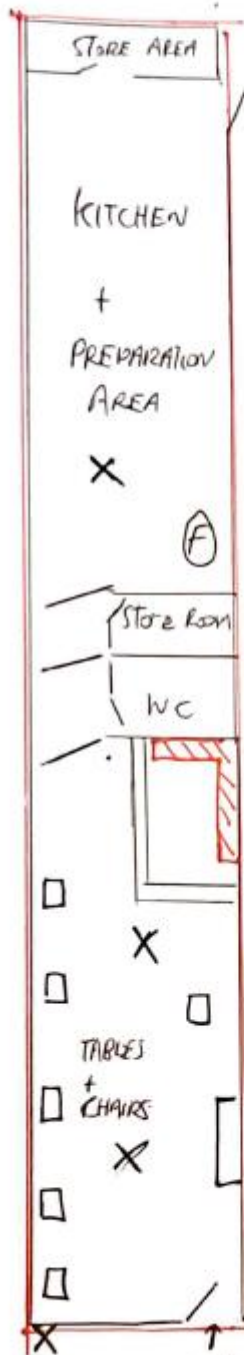
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/apply-1> to upload this file and continue with your application.

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

MODE RESTAURANT AND BAR	
163 HAGLEY ROAD BIRMINGHAM	B16 8UQ



SCALE 1:100 1CM : 1METRE	
	- Licensable Area
	- Area for Alcohol behind counter
X	- CCTV camera point
	- Tables + Chairs
(F)	- Fire Extinguisher
greenhill.licences@hotmail.com	
07766 275 750	
DATED : 24/09/2023	

From: Christopher Jones
Sent: 06 November 2023 12:54
To: Licensing
Cc: 'greenhill licences'
Subject: GRANT Mode Restaurant and Bar - 163 Hagley Road - Ladywood - Birmingham - B16 8UQ

Good Afternoon Licensing,

With regard to the premises licence application for Mode Restaurant & Bar, 163 Hagley Road, Birmingham B16 8UQ.

West Midlands Police have reviewed this application and are happy that if the below conditions are added to the licence, together with the operating conditions already offered by the applicant then the licensing objectives will be met and promoted.

The below conditions have been agreed with the applicant, via their consultant, as per the below email chain - who is copied into this.

- The DPS or their nominated person will check the CCTV daily, prior to carrying out licensable activity, to ensure it is working and recording. This check to be documented signed, timed and dated by the person checking. This documentation to be made available to any of the responsible authorities on request.
- No children under 18 allowed on the premises unless accompanied by a responsible adult. Irrespective no children under 18 allowed on the premises after 22.00hrs, unless the premises is booked for a private function and not open to the general public. Staff not to be left in sole charge of any child.
- The DPS will ensure all staff working at the premises (whether paid or unpaid) while it is open for licensable activity will be trained in their responsibilities under the licensing act. This training will be documented and signed by both the trainer and trainee. This documented training will be made available to any of the responsible authorities on request.
- The premises will have a documented vulnerability policy. All staff working at the premises (whether paid or unpaid) while it is open for licensable activity will be trained in this policy. This training will be documented and signed by both the trainer and trainee. This documented training will be made available to any of the responsible authorities on request.
- The premises will risk assess the need to deploy door staff. If door staff are deployed at the premises they will sign on and off duty listing their full SIA licence number. Door staff will wear either a high visibility coat, jacket or tabard while on duty. The premises will ensure that up to date contact details, including a phone number will be kept on site for the security provider.
- The premises fire risk assessment will be made available to any of the responsible authorities on request.

If the above conditions are imposed onto the premises licence then West Midlands Police have no objection to this licence application.

Regards and thanks

Chris Jones 55410

Central Licensing Team West Midlands Police

From: greenhill licences

Sent: 06 November 2023 10:37

To: Christopher Jones

Subject: Re: [External]: Re: Mode Restaurant and Bar - 163 Hagley Road - Ladywood - Birmingham - B16 8UQ

Hi Chris,

Yes ,that is fine . Thank you for your assistance .

Regards,

Anil

Greenhill Licences

From: greenhill licences
Sent: 09 November 2023 14:20
To: Shaid X Ali
Cc: Bianca Chiareli; Licensing
Subject: Re: Mode' Restaurant & Bar, 163 Hagley Road B16 8UQ

Hi Shaid,

That proposal is fine. Thank you for your assistance.

Regards,
Anil
Greenhill Licences

From: Shaid X Ali
Sent: 09 November 2023 14:01
To: greenhill licences
Cc: Bianca Chiareli; Licensing
Subject: Mode' Restaurant & Bar, 163 Hagley Road B16 8UQ

Good afternoon Anil,

I have just been looking at the conditions you have offered on the application form and would like to get your agreement to change the wording of some of the conditions, specifically any condition which mentions CCTV or the incident register and replace any wording relating to Trading Standard Officers with the words **Officers of any Responsible Authority**.

Also, if you can agree to add the following condition:

Any refusals of sale of Alcohol will be recorded either electronically or in an incident register or a refusal's register and made available to any of the responsible authorities upon request.

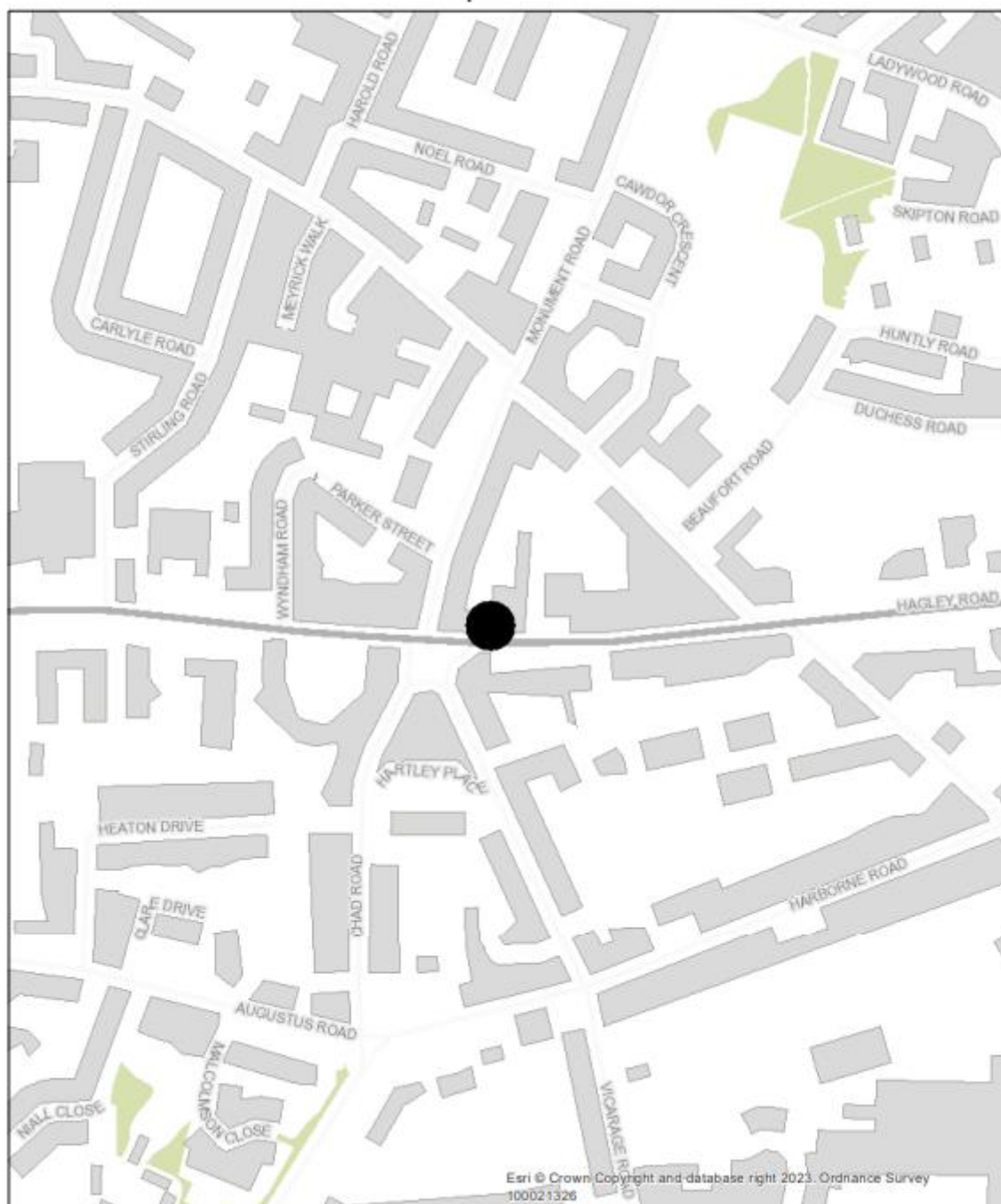
If you can confirm your agreement then that will be appreciated otherwise I may object to the licence being issued until such time as we can agree on the above additions.

I look forward to your reply and please copy my colleague Bianca and licensing in to your reply so that the public register can be updated.

Regards

Shaid Ali - Licensing Enforcement Officer

Licensing - Regulation & Enforcement Division - City Operations Directorate



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BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Wednesday 29th November 2023
Subject:	Gambling Act 2005 Licensed Premises Gaming Machine Permit
Premises	The Tennis Court, Walsall Road, Perry Barr, Birmingham, B42 1TY
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 6 Category C Gaming Machines, at the premises.

2. Recommendation:

The Sub-Committee is requested to consider the application to operate a total of 6 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 14th September 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>Regal Gaming Technologies on behalf of Stonegate Pub Company Ltd, submitted an application for the variation of a Licensed Premises Gaming Machine Permit on 14th September 2023 for The Tennis Court, Walsall Road, Perry Barr, Birmingham, B42 1TY.</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 5 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>

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:
CONVERSION / NEW / VARIATION / TRANSFER**

(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 Phoenix House Valepits Road Garretts Green Birmingham B33 0TD
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SECTION A – What do you want to do?

1. 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 category C and / or D
(if you choose this option then please complete sections D and E) ☐
- b) **Apply to convert** an existing Section 34 permit issued under the Gaming Act 1968, into a licensed premises gaming machine permit (i.e. for more than 2 gaming machines)
(if you choose this option then please complete sections B, D and E) ☐
- c) **Apply for a new** licensed premises gaming machine permit
(if you choose this option then please complete sections B, D and E) ☐
- d) **Apply to vary** an existing licensed premises gaming machine permit
(if you choose this option then please complete sections B, D and E) ☒
- e) **Apply to transfer** an existing licensed premises gaming machine permit
(if you choose this option then please complete sections C, D and E) ☐

SECTION B – Application for grant (includes conversion, new and variation applications)

2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, 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 (new or variation)
C	5	6
D	0	0
TOTAL	5	6

3. If you are currently authorised to provide more than 2 machines, please provide your existing Section 34 Gaming Act 1968 permit, or provide reasons stating why it cannot be provided.

Existing permit provided* ☐

(reasons why existing permit cannot be provided)

.....

.....

*Please keep a copy of your existing permit on the premises to which it relates.

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:
CONVERSION / NEW / VARIATION / TRANSFER**

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

<p>Section C – Application for permit <u>transfer</u> (i.e. where a transfer has been requested for the Licensing Act 2003 premises licence)</p> <p>4. Name of person requesting the transfer <div style="background-color: #e0e0ff; height: 20px; width: 100%; border: 1px solid #ccc;"></div> </p> <p>5. Confirmation that an application to transfer the relevant Licensing Act 2003 Premises Licence has been:</p> <div style="text-align: right; margin-right: 50px;"> Requested <input type="checkbox"/> Granted <input type="checkbox"/> </div> <p>6. Please provide your existing permit, or provide reasons stating why it cannot be provided</p> <div style="text-align: right; margin-right: 50px;"> Existing permit provided <input type="checkbox"/> Reasons why existing permit cannot be provided </div> <div style="background-color: #e0e0ff; height: 40px; width: 100%; border: 1px solid #ccc;"></div>	<div style="text-align: center; margin-top: 100px;"> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> </div>
<p>Section D – General Information</p> <p>7. Name of Premises: <u>Tennis Court</u></p> <p>8. Address of Premises: <u>Walsall Road, Birmingham, West Midlands, B42 1TY</u></p> <p>9. Telephone number of Premises: <u></u></p> <p>10. Name of existing Premises Licence holder <u>Stonegate Pub Company Limited</u></p> <p>11. Address of Premises Licence holder (if different from 8 above) <u>3 Monkspath Hall Road, Solihull, B90 4SJ</u></p> <p>12. Telephone number (daytime) of Premises Licence holder <u></u></p> <p>13. E-mail address of Premises Licence holder (where available) <u></u></p> <p>14. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant <u>Regal Amusement Machine Sales Ltd (Via Regal Gaming Technologies), 139 Brookfield Place, Walton Summit Centre, Bamber Bridge, Preston, Lancashire, PR5 8BF</u></p> <p>15. Licensing Act 2003 Premises Licence Reference (i.e. number) <u></u></p>	

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines) for:
CONVERSION / NEW / VARIATION / TRANSFER**

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

Section E – Fee and Signature(s)

I enclose a sum of (£ 100.00)* (cheques should be made payable to ☐ paid by BACS ☐

I understand that I must comply with the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission. (see guidance note 8)

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 25th Aug 2023

Signed (by or on behalf of Licensing Act 2003 Premises Licence holder).....

Print Name Erica Hamilton

* 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 £150 for new applications and £100 for Section 34 (Gaming Act 1968) holders.

Stonegate Group

Gaming Machines Policy

This policy is intended to inform and guide Designated Premises Supervisors in relation to the use of Amusements with Prizes Gaming Machines within Stonegate Group premises.

All gaming machines at our premises must be operated under the principles of the Gambling Commission Code of Practice 'Section C - Gaming machines in clubs and premises with an alcohol licence'.

Compliance with the Code of Practice is the responsibility of the Designated Premises Supervisor (DPS)

The Law

It is an offence for any person to invite, cause or permit an under 18 year old to play on Category C gaming machines or to gamble other than on a category D gaming machine. If prosecuted this offence carries a fine of up to £5,000 or up to 51 weeks imprisonment

Key Control Measures for All Sites:

1. Machines must be positioned in clear line of sight of the bar
2. No person under the age of 18 is permitted to play Category C gaming machines
3. 'Challenge 25' - any person appearing to be under the age of 25 should be challenged to provide valid ID in line with the Craft Union Underage Sales and Age Verification Policy.
Valid ID is classed as
 - a) Valid Passport
 - b) Photographic Driving Licence
 - c) Accredited Proof of Age Scheme card bearing the PASS holographic logo
4. Vigilance - During hours of operation all staff should monitor the gaming machines and report to the DPS any of the following
 - a) Persons attempting to use the gaming machines appearing to be under the age of 25
 - b) Suspicious behaviour or loitering in the immediate vicinity to the gaming machine by persons who appear to be under the age of 25
5. Appropriate and proportionate signage must be displayed next to all Category C gaming machines to notify that persons must be over the age of 18 in order to play.
6. All gaming machines must be checked to ensure that relevant 'Gambling Awareness' (i.e. GamCare) stickers are present on machines.
7. Any refusal of use of Gaming Machines must be recorded in the premises incident log
8. Any customer complaints are in the first instance to be raised to the DPS, however should a customer wish to make a more formal complaint then this can be raised to StonegateEnquires@stonegategroup.co.uk



From: Sarah Hemsall
Sent: 23 October 2023 16:23
To: Licensing
Subject: Tennis Court, Walsall Road, Perry Barr B42 1TY - GMP variation

Hi Arvi

I have no objections to this variation.

Kind Regards

Sarah Hemsall
Licensing Enforcement Officer

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: 422 / 3

This licensed premises gaming machine permit authorises:

Stonegate Pub Company Limited

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

The Tennis Court, Walsall Road, Perry Barr, Birmingham, B42 1TY

Number of Category C Gaming Machines authorised by this permit:	5
Number of Category D Gaming Machines authorised by this permit:	0

Date on which this permit takes effect or is renewed:
14/09/2020

This permit is issued by:
Birmingham City Council
Licensing Section, P.O. Box 17013, Birmingham, B6 9ES

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

