

# **BIRMINGHAM CITY COUNCIL**

## **LICENSING SUB-COMMITTEE C**

**WEDNESDAY, 04 OCTOBER 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 - 20**

4 **MINUTES**

To note the public part of the Minutes of the meeting held on 6 September 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

To confirm and sign the Minutes of the meeting held on 6 September 2023 at 1200 hours.

**21 - 46**

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

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

6 **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.

7 **EXCLUSION OF THE PUBLIC**

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

Exempt Paragraph 3

**P R I V A T E   A G E N D A**

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 6 September 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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

# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE C 6 SEPTEMBER 2023</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 6 SEPTEMBER 2023 AT 1000 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Diane Donaldson in the Chair;

Councillors Saddak Miah 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)

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1/060923

### **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.

2/060923

### **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.

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

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3/060923 Apologies were submitted on behalf of Councillors Forsyth and Bermingham and Councillors Donaldson and Miah were the nominated substitute Members.

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**MINUTES**

4/060923 That the public part of the Minutes of the meeting held on 2 August 2023 at 1000 hours and 14 June 2023 at 1000 hours and the minutes as a whole were confirmed and signed by the Chair.

That the Minutes of the meeting held on 18 July 2023 at 1000 hours were circulated and confirmed and signed by the Chair.

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**LICENSING ACT 2003 PREMISES LICENCE – GRANT – PREMISES AT 15A HOLYHEAD ROAD, HANDSWORTH, BIRMINGHAM, B21 0LA.**

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**On Behalf of the Applicant**

Trent Beasley – Applicant  
Brittant Beasley – Sign Language Interpreter

**Those Making Representations**

Councillor Shergill

\* \* \*

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 Trent Beasley, through his translator made the following points: -

- a) That he rejected the representations against his application.
- b) He felt offended that anyone would think he would sell alcohol to underage children.

- c) It seemed likely that those who had made representations didn't understand the scope of the application.

He then typed the following in the chat function in MS Teams:

1. Prevention of crime and disorder, access to public is prohibited. The only risk is burglary, our premise is fitted with alarm, there is a haspa padlock with a yale lock, there are surveillance camera surrounding the premise.
2. Public safety, access to the public is prohibited, nobody is allowed on the premise. We will not be operating out of the premise. All order are only online, so there is no risk to public in the premise, the only risk would be is the staff, all of our staff will be trained in fire safety, risk assessment will be conducted annually.
3. prevention of public nuisance, which seem to be the concern of most. I however reiterate to this matter that nobody is permitted on the premise except myself and my staff. The rubbish will be disposed of in appropriate manner, so no risk of littering or nuisance to neighbours.
4. The fourth one, Prevention of children from harm, which seem to be another concern with the representatives. Once again, no sales will be made on the premise, all sales are online, the courier/royal mail have their own age verification service which will verify the age of the individual who ordered the alcohol, upon being verified they can deliver the alcohol.
5. Our product is a high quality spirit, the premise license is solely to fulfill order online, no more no less. I understand there are concerns surrounding the area of Handsworth, however bearing in mind, two stores next to the premise sells alcohol, there's also Lidl not far that sells alcohol, the risk is more significant there as they sell the alcohol on the premise whereas we sell the alcohol off the premises.

The Chair also read them out in order that the whole Committee/public could hear the submissions made by the applicant.

The Members asked questions and Trent Beasley gave the following responses:  
-

- a) That he only intended to use Royal Mail until a time when other couriers were discovered to have a reputable service and offered a similar age verification process.
- b) He would be advertising on his website and Facebook, but all sales would only be made through the website.
- c) The only products he intended to sell was high quality Gin, Silhill Distillery.

Councillor Shergill was then invited to make her case. She made the following statements: -

- a) That upon receipt of the application, many residents approached her with concerns due to there being so many off licences in the area.
- b) The submissions made by the applicant had eased the concerns as it would only be the sale of Gin online.

- c) They were also worried about collections due to there being a temple and mosque either side, however if it was just delivery they had no problem with the application.

Both parties were invited to make a brief closing submission, however neither party had anything further to add.

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

5/060923

**RESOLVED:-**

That the application by Trent Beasley for a premises licence in respect of 15a Holyhead Road, Handsworth, Birmingham B21 0LA, be granted. 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 assisted by a British Sign Language interpreter. The applicant addressed the Sub-Committee by making submissions regarding the operating schedule (as set out in the Committee Report). He was aware of his responsibilities in terms of the licensing objectives. He was confident that he could operate well, and the risks to the licensing objectives would be managed well.

Representations had been received, one from the local Ward Councillor and the rest from local residents; the applicant had taken these seriously, but did not agree that there were risks to the licensing objectives.

The applicant asked the Sub-Committee to note that the application for a premises licence had been made in order to offer delivery of premium alcohol (distillery gin). The deliveries would be made by Royal Mail, or other reputable courier service, which would provide age verification as part of the delivery service. Customers ordering online would have to verify their age, then the Royal Mail would verify the age of the individual who ordered when delivering the alcohol. Under this style of operation there was no risk of any underage sales, which otherwise could undermine the protection of children from harm objective.

Regarding public safety, access to the premises by the public would be completely prohibited; nobody but the staff would be allowed inside the premises, and all orders would only be made online. All staff would be trained, including in fire safety, and a risk assessment would be conducted annually.

The applicant recognised that there might be a burglary risk, and

outlined the security measures he had taken. The Sub-Committee found these to be satisfactory. He did not accept that there were risks to the crime prevention objective, or any potential for an increase in antisocial behaviour.

He had noted that the prevention of public nuisance objective seemed to be the overriding concern of most of those making representations, but assured the Sub-Committee that his style of operation, namely a premium alcohol delivery service available online only (no callers permitted at the premises), was highly unlikely to create any type of public nuisance at all in Handsworth. He added that all waste would be disposed of in the appropriate manner, and there would therefore be no risk of any littering nuisance to neighbours.

The applicant assured the Sub-Committee that whilst he understood that there were concerns from some residents in the surrounding area, it ought to be borne in mind that two shops next to the premises were already selling alcohol. In addition, a branch of the Lidl supermarket, located nearby, sold alcohol; the applicant observed that the risk was much more significant at these other retailers, as they sold alcohol to customers visiting their premises, whereas the applicant simply fulfilled online orders for delivery via Royal Mail or similar. The Sub-Committee noted this.

The Sub-Committee then turned to the large number of written representations which had been received from other persons, and considered these carefully. In addition, the local Ward Councillor attended the meeting in person and addressed the Sub-Committee.

The Ward Councillor stated that whilst she had originally made a written representation, after hearing the submissions made by the applicant during the meeting, she had been reassured. She noted that the only product offered was a premium distillery gin, and that all orders would be online only. She stated that her concern had been that the premises might offer alcohol for collection by customers, and that this had created a worry about the potential effect on the licensing objectives, and also because of the nearby mosque and temple. However, after hearing the applicant's description of the proposal, she had no objection to his style of trading.

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.

Members had heard that the Ward Councillor no longer objected. They carefully considered the written representations, but considered that the points made had been adequately covered by the applicant, as the

Ward Councillor had noted. 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.

The application had been straightforward, with no objection from West Midlands Police, or from any of the other responsible authorities. The product would be a high quality spirit, and the permission under the premises license would be solely to fulfil orders made online. The applicant had put forward an operating schedule which properly addressed the promotion of the licensing objectives.

The Sub-Committee was aware that this style of home delivery service of alcohol, which had become popular during the Covid-19 pandemic lockdowns, was going on across the country, and had not been found to have had an adverse impact on the promotion of the licensing objectives nationally.

Members considered that the applicant had drafted a satisfactory operating schedule, and therefore concluded that by granting this application, the four licensing objectives contained in the Act would be properly promoted. The Sub-Committee was satisfied that trading would be safe, and noted that both the applicant and the operating schedule were suitable.

The Sub-Committee also noted its obligations under the Public Sector Equality Duty, and was pleased that a local businessman assisted by a British Sign Language interpreter wished to start a premium service in Birmingham. All in all, the application inspired confidence. The application was therefore granted. The Sub-Committee wished the applicant well with his business.

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 via his British Sign Language interpreter, and by the Ward Councillor.

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.

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**EXCLUSION OF THE PUBLIC**



6/060923

**RESOLVED:-**

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

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CHAIR.....



# BIRMINGHAM CITY COUNCIL

<b>LICENSING SUB-COMMITTEE C 6 SEPTEMBER 2023</b>
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## **MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 6 SEPTEMBER 2023 AT 1200 HOURS AS AN ON-LINE MEETING.**

**PRESENT:** - Councillor Diane Donaldson in the Chair;

Councillors Saddak Miah 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)

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7/060923

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8/060923

### **DECLARATION OF INTERESTS**

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

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**APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

9/060923 Apologies were submitted on behalf of Councillors Forsyth and Bermingham and Councillors Donaldson and Miah were the nominated substitute Members.

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**LICENSING ACT 2003 PREMISES LICENCE – REVIEW – JOEL’S CONVENIENCE, 12 BODINGTON ROAD, MERE GREEN, SUTTON COLDFIELD, B75 5ET.**

\* \* \*

**On Behalf of the Applicant**

Paul Ellson – Trading Standards (TS)

**On Behalf of The Premises Licence Holder**

Jaspreet Joall – Premises Licence Holder (PLH)

\* \* \*

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

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 Paul Ellson, on behalf of TS made the following points: -

- a) That on 19 January 2023 TS received information from West Midlands Police (WMP) that the premises was selling counterfeit tobacco to children that went to a local school.
- b) The also received a public complaint that vapes were also being sold to children.
- c) On 13 February 2023 TS visited the premises and spoke to the PLH’s brother ‘Jay Joall’ about the allegations and provided advice and the updated legislation. The TS officer also gave the brother information about selling vapes and cigarettes specifically.
- d) The officer did check the refusals log and it was all in order.
- e) ON 16 February 2023 TS and WMP carried out an operation involving search dogs. As part of the operation Joel’s Convenience was visited and searching

using the dogs. No illicit tobacco was found; however, a large quantity of illegal vapes were found on the shop floor and in the stock room. They also found a single cigarette tin underneath the counter with individual cigarettes inside and it was marked with “75p” on the tin. They also discovered an open bottle of Vodka and Rum under the counter, along with a baseball bat and machete.

- f) The stock room also contained open bottles of Malibu, Gin and other products.
- g) All illegal vapes were removed and Jay Joall was asked to remove all the open bottles of alcohol and the single cigarette tin.
- h) The premises served the local community, a small but busy shop.
- i) TS had been to the premises and given advice and information about the sale of tobacco and vapes. Yet when they carried out the operational visit, they still found illegal vapes, and other issues.
- j) The PLH has a responsibility to the community to ensure the safety of the public.
- k) That the premises served the local community and provided an essential service especially during the Covid-19 pandemic.
- l) If the licence was removed the premises could close completely.
- m) The PLH was not in attendance at any time when TS visited the premises, therefore perhaps they were not in day-to-day control of the premises.
- n) There was no lawful reason to have the weapons at the premises.
- o) TS outlined the conditions as detailed in the report.
- p) They recommended that the conditions be attached to the licence in order to allow the PLH to continue trading.
- q) There was a breach of trust but the premises could continue to serve the local community with the requested conditions attached to the licence.

Members asked what period of suspension would TS deem as appropriate. Paul Ellson stated that that in order for them to get everything in order it shouldn't take longer than 3-4 days. The suspension should be minimal in nature.

The Chair then invited the PLH to make his case and Jaspreet Joall made the following points: -

- a) He had not been visiting the shop as much as usual.
- b) He had operated the store since 2012 and had never had any trouble before.

- c) He had never made any underage sales.
- d) They had received malicious complaints before.
- e) Some of the customers wanted to make representation in support of the application but they were not accepted.
- f) He took some time out with family so hadn't been spending much time in the shop, which had obviously impacted the operation more than he thought.
- g) His brother was helping in the shop.
- h) He had no idea the vapes were illegal, they were not hidden and were on display on the counter and on the shelves.
- i) During both visits by TS he was out of the country.
- j) That he had spoken with TS about the open bottles – they were returned by customers. He didn't want confrontation in the premises so would take the return.
- k) He had told the family that kept returning products that they would not take any returns from them moving forward.
- l) That he had twins who were about to start school so he would have much more time to operate the premises.
- m) That he had a challenge 25 policy with notices around the premises.
- n) They had a refusals log which was used regularly.
- o) They never close the store; it opened 7 days a week.
- p) The premises was a popular convenience store.

He was asked by the Members if he was content with the conditions put forward by TS. He advised that he had already put most of them in place and was content with the conditions offered by TS.

Both parties were invited to make a brief closing submission, Paul Ellson, TS made the following closing statements: -

- That the PLH was correct, they did receive many complaints about underage sales in 2018 and they did seem to be malicious.
- The review wasn't concerning underage sales.
- It is about the illegal vapes which was symptomatic of the lack of control in the premises.

- That if the PLH was going to be at the premises more, they were content that there wouldn't be any problems moving forward.
- The premises was small and served the local community, but the PLH needed to have more control.

Jaspreet Joall made the following closing statements: -

- That he would be at the premises more as his twins were going to start school.
- The premises was his only source of income and was his day-to-day job.
- That he would not accept return of open bottles.
- That he wanted to keep the licence and had done everything to rectify issues.

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

10/060923 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Mr Jaspreet Joall, in respect of Joel's Convenience, 12 Bodington Road, Mere Green, Sutton Coldfield B75 5ET, upon the application of the Chief Officer of Weights and Measures, this Sub-Committee hereby determines that the conditions of the licence be modified, namely by adding all those conditions proposed by the Chief Officer of Weights and Measures, as per the document in the Committee Report:

**GENERAL**

1. Alcoholic drinks in open containers or bottles of any kind may not be stored/sold/supplied/kept or removed from the premises.

**INCIDENT BOOK**

2. An incident book must be kept at the premises and maintained up to date (no later than 24 hours after the incident) at all times and will record the following:
  - i. Time date and details of all incidents/complaints of crime and disorder or anti-social behaviour
  - ii. All crimes reported to the venue
  - iii. Any faults in the CCTV system equipment, searching equipment or scanning
  - iv. Any visit by a responsible authority or emergency service

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

**TRAINING**

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3. Training in relation to the Licensing Objectives and the conditions on the premises licence, Challenge 25, under age sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals register and incident records must be provided and undertaken by all members of staff (whether paid or un paid) before he/she makes a sale or supply of alcohol/tobacco products/electronic cigarettes and at least every six months thereafter.
  4. Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of training. The record must be signed by the member of staff who has received the training, the Designated Premises Supervisor, the Premises Licence Holder or external training providers.
  5. Documented training records must be kept at the premises and made available to all Responsible Authorities.
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**THE PROTECTION OF CHILDREN FROM HARM**

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6. The premises licence holder shall adopt the Challenge 25 scheme and appropriate signage and age restricted identity poster will be placed at the entrance to the premises and throughout the store. The premises will operate a policy whereby any persons attempting to buy alcohol/tobacco products/electronic cigarettes or any person attempting to gain entry for premises who appears to be under 25 will be asked for photographic ID to prove their age. The ID that will be accepted is a passport or driving licence with a photograph.
  7. The premises licence holder shall display Challenge 25 posters in prominent position within the premises, including the point of sale and the entrance to the premises.
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The Sub-Committee came to this resolution in order to promote the licensing objectives in the Act of the prevention of crime and disorder, and the protection of children from harm. The Sub-Committee's reasons for modifying the conditions were due to concerns expressed on behalf of the Chief Inspector of Weights and Measures (Trading Standards department of the City Council), as outlined fully in the Report.

An officer of the Trading Standards department of the City Council attended the meeting to address the Sub-Committee. The licence holder Mr Jaspreet Joall also attended the meeting, representing himself.

The Report summarised recent events in full. The Trading Standards officer led the Sub-Committee through the evidence, exactly as in the



Committee Report. The areas of concern were the discovery by enforcement officers of illicit and non-compliant products, namely e-cigs/vapes (despite an explicit instruction to check them). In addition, opened bottles of alcohol were found, yet no adequate explanation could be given other than certain local residents had asked for the shop to keep the open bottles for them so they could collect them later; this explanation was unsatisfactory and an obvious risk to the upholding of the licensing objectives.

The officer further noted that a baseball bat and a machete were found in the premises. He observed that there could be no lawful reason for this. There was also some evidence of single cigarettes in the premises, and therefore a concern that cigarettes could be offered for sale as single items.

None of these matters were acceptable inside any off-licence premises; accordingly, Trading Standards had brought the matter before the Sub-Committee for a Review of the licence.

Notwithstanding what had been found, Trading Standards considered that the premises was a valued community resource which was noted for being very busy despite its small size; on that basis, Trading Standards did not seek revocation, observing to the Sub-Committee that if the licence were to be removed, the shop could well close down altogether, as it was already operating in “a very harsh retail environment”.

The officer remarked that the premises served a residential area and that large numbers of people often used it. Over the years it had provided an essential service, particularly during the Covid-19 pandemic period. Moreover, the officer observed that it was the only shop left in the immediate vicinity after many other retailers had closed down, which was why it was valuable to residents.

A further point made by the officer was that a short distance away, perhaps five minutes' walk away, the shop faced competition from other retailers; for this reason, said the officer, “I would not want the shop to close”. The Sub-Committee noted that the shop was useful to local residents and should therefore be supported to operate safely as an asset to the community.

The officer noted that the licence holder had not been in attendance when enforcement visits were paid. The officer was of the view that the reason for the failings was because the licence holder's day-to-day control of the premises had lapsed. The Sub-Committee agreed with this.

The officer remarked that an alcohol licence conferred on a licence holder a responsibility towards customers and the community; local people should be able to have confidence in the management of a local shop, and especially should be able to trust that they would not

trade carelessly or illegally. There was an obligation on licence holders to ensure good practice for the safety of the public, and for the greater welfare and protection of the local community.

The officer therefore suggested a modification of the licence conditions in the terms set out in the Committee Report. These new conditions had been designed to help the licence holder to promote the licensing objectives in the light of what had been discovered during the enforcement visits, and dealt with the alcoholic drinks in open containers, incident book, training, Challenge 25, underage sales (and other matters relating to improper sales), and refusals.

The Sub-Committee examined these proposed conditions and considered that they satisfactorily covered the matters of concern. The conditions would be beneficial both to the trader and to local residents, and would ensure that the premises could continue to serve its local community, as it had done previously.

The officer observed that the Sub-Committee might also wish to impose a period of suspension of the licence, in order to give time for all those matters to be taken into hand. However, he went on to request that any suspension “be proportionate to what we actually found on the day; the allegation relating to underage sales was not substantiated, and the underage sales refusals book was filled in extremely well”.

He recommended that if the Sub-Committee were to determine that a suspension were necessary, that this should be limited to the time required to do the staff training, and said that he “would not foresee that taking any longer than a week to ten days”.

The Sub-Committee then heard detailed submissions from the licence holder Mr Joall. He had bought the shop in 2011 or 2012, and had never had any trouble in terms of operating safely. He and his staff understood the importance of upholding the licensing objectives, and in particular they were careful about the risk of underage sales. He considered that in recent times he had not been at the premises full time; this was about to change, and in future he would be at the premises to take charge of trading properly.

He had listened carefully to the advice given by Trading Standards officers during the visits, and had already proactively addressed all the matters required by the new conditions. He had downloaded the training guide recommended by Trading Standards to train the staff. He held up examples of the notices which he had already displayed in the shop; the Sub-Committee was reassured by this. In response to Member questions, he confirmed the steps he had taken to adopt the new conditions; the Sub-Committee found all to be in order.

The licence holder considered that his premises “made a huge difference to the whole area”. He was careful to keep the protection of

children from harm objective in mind at all times; he had also observed that a lot of elderly people used the shop. He had been trading at the site for twelve years, and asked the Sub-Committee to note that the shop “helped everyone”, opening 365 days a year including Christmas Day and New Year’s Day. The Sub-Committee accepted all of this.

In summing up, Trading Standards agreed that the licence holder did good work in the community which had been a benefit to people in Mere Green, but simply felt that the licence holder ought to exercise more control. After hearing from the licence holder, Trading Standards agreed that the licence holder was compliant with all that had been requested.

When deliberating, the Sub-Committee bore in mind that its decision had to be appropriate, reasonable and proportionate, and be made in accordance with the law and the statutory Guidance issued under s182 of the Act.

The Members noted that the recommendation had been to modify the conditions; the Members agreed with Trading Standards that a modification of the conditions in the terms suggested was proportionate - and moreover, it would benefit the licence holder himself, as well as the wider community, as it would enable the premises to trade in a manner which ensured that careful management was prioritised. The Sub-Committee was pleased that the licence holder had confirmed his intention to be at the premises full time in order to take proper day-to-day control.

The suggested conditions would give the licence holder a comprehensive framework for operation, which would ensure that he could promote the licensing objectives properly, for the benefit of all those in Mere Green. A determination to modify the conditions in the terms suggested by Trading Standards, which were reasonable and proportionate to address concerns raised, would follow the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

The remaining issue was whether to impose a period of suspension to give time for implementation. However, on this point, the Members were very much reassured upon hearing directly from the licence holder, as he confirmed that he had already implemented all that was required. The Sub-Committee therefore determined that no period of suspension should be imposed. The shop was a valued community resource and a suspension would be neither necessary nor proportionate.

In reaching this decision, the Sub-Committee has given due consideration to the City Council’s Statement of Licensing Policy, the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the application for Review, the written representations received and the submissions made at the hearing by the Chief Inspector of Weights and Measures (Trading Standards), and

by the licence holder.

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

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

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**The meeting ended at 1252 hours.**

CHAIR.....

<b>Report to:</b>	<b>Licensing Sub Committee C</b>
<b>Report of:</b>	<b>Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Wednesday 4th October 2023</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Grant</b>
<b>Premises:</b>	<b>Burger Boi, 156 High Street, Harborne, Birmingham, B17 9PN</b>
<b>Ward affected:</b>	<b>Harborne</b>
<b>Contact Officer:</b>	<b>Bhupinder Nandhra, Senior Licensing Officer, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

**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 08:00am until 12:00midnight (Monday to Sunday).

The provision of Regulated Entertainment consisting of recorded music, to operate indoors only, from 11:00pm until 12:00midnight (Monday to Sunday).

To permit the provision of Late Night Refreshment, to operate indoors only, from 11:00pm until 12:00midnight (Monday to Sunday).

Premises to remain open to the public from 08:00am until 12:30am (Monday to Sunday).

**2. Recommendation:**

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

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

**3. Brief Summary of Report:**

An application for a Premises Licence was received on 16<sup>th</sup> August 2023 in respect of Burger Boi, 156 High Street, Harborne, Birmingham, B17 9PN.

Representations have been received from other persons.

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

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

## **5. Relevant background/chronology of key events:**

Harjinder Singh Mandair applied on 16<sup>th</sup> August 2023 for the grant of a Premises Licence for Burger Boi, 156 High Street, Harborne, Birmingham, B17 9PN.

Representations have been received from other persons, which are attached at Appendices 1 - 3

The application is attached at Appendix 4.

Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 5.

Site Location Plans at Appendix 6.

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

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

## **6. List of background documents:**

Copies of the representations as detailed in Appendices 1 – 3.

Application Form, Appendix 4.

Conditions agreed with West Midlands Police, Appendix 5.

Site Location Plans, Appendix 6.

## **7. Options available**

To Grant the licence in accordance with the application.

To Reject the application.

To Grant the licence subject to conditions modified to such an extent as considered appropriate.

Exclude from the licence any of the licensable activities to which the application relates.

Refuse to specify a person in the licence as the premises supervisor.

**From:**  
**Sent:** 19 August 2023 16:04  
**To:** Licensing  
**Subject:** Application 169168, Burger Boi

Dear Sir/Madam,

I am writing with concern as a local resident who lives to the rear of the property 156 High Street, Harborne, Birmingham, B17 9PN (Burger Boi).

This is a newly opened restaurant which has an application for a late-night license for alcohol and music.

I live to the rear of this restaurant (see attached picture).

This restaurant opened with no notice to the local residents of its intended use. There is a large air vent/chimney which has been installed which is already causing new and significant noise to our property, it can be heard in the garden and in the upstairs of the house late night. There is also a smell of greasy food cooking which has started to occasionally permeate or garden and house since this restaurant opened around 10 days ago.

I am not sure whether a planning application should have been made to consult the neighbourhood with respect to the property use, or to the vent, none was done. I am very concerned that this application if allowed will create additional significant unwanted noise due to late night music.

As a resident I would strongly ask that the late-night license is not approved in this instance. I would also ask that the noise level of music be a consideration should any music/alcohol license be granted.

I appreciate if my views would be taken into serious consideration, and I look forward to further information.

Yours faithfully,

Bull Street,  
Harborne,  
Birmingham,  
B17







**From:**  
**Sent:** 22 August 2023 22:15  
**To:** Licensing  
**Cc:**  
**Subject:** Bull Street (B17) - Concern regarding "Burger Boi"

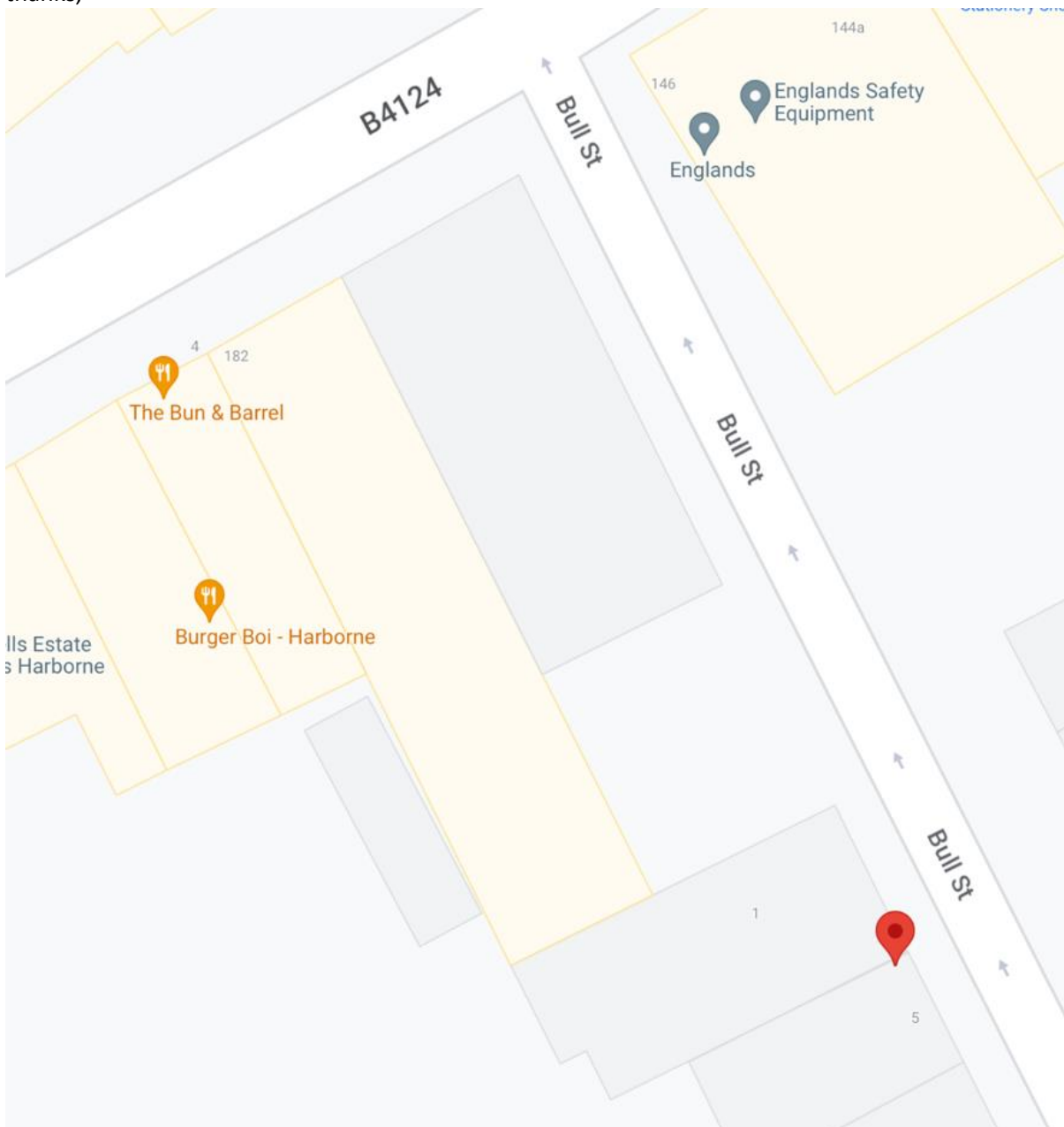
Dear Bhapinder,

This is my resubmission for a representation for Burger Boi, 156 High St, Harborne, B17 9PN.

I am very concerned that there will be significant noise and late-night music due to the current application from Burger Boi. As a close neighbour and resident, I would strongly suggest that the late-night license is not approved. As you can see from the google map attached, this restaurant is very close to our property at Bull Street. Note that Bull Street doesn't have a back garden, and ours is the closest residential property with a garden to this restaurant.

Considering our neighbour, Bull Street's representation has been considered as valid, I believe our location has a stronger position for such unwanted noise concern to Burger Boi.

With many  
thanks,



**From:**  
**Sent:** 28 August 2023 13:32  
**To:** Licensing  
**Subject:** Burger Boi - licencing objection

Dear Sir/Madam,

I am writing with concern as a resident who lives to the rear of the property Burger Boi, 156 High Street, Harborne, Birmingham, B17 9PN.

This is a fast-food place that has just opened which has an application for a late-night license for alcohol and music.

I am very concerned that this application if allowed will create additional significant unwanted noise both in the day and particularly at night.

This is a quiet residential area. Our property is on South Street just to the rear of this fast-food place.

As a resident I would strongly ask that the late-night license is not approved in this instance.

I would also ask that the noise level of music be a consideration should any music/alcohol license be granted.

I look forward to hearing from you.

Yours sincerely,

**From:**

**Sent:** 01 September 2023 11:20

**To:** Licensing

**Subject:** RE: BURGER BOI. 156 HIGH STREET, B17 9PN

Hello Sirs,

The above premises has applied for PREMISES LICENCE UNDER THE LICENSING ACT 2003.

We want to place an objection to this application.

Our reasons are as follows:

1- currently Burger Boi has music playing loudly from its kitchen from early morning to, sometimes, beyond midnight. We live directly . We hear the loud music all day from the kitchen as they leave the kitchen door open. As stated this music continues throughout the night and even with all windows closed, we still hear the music and find it difficult to get to sleep. The additional opening time will only further exacerbate the situation to way beyond midnight 7 days a week. I am epileptic and if I do not get sufficient sleep, there is distinct risk of me having a seizure. So, if granted, and I have a seizure during the day / night whilst at home, then both Burger Boi and the City Council would be responsible.

2- there is absolutely no reason for another restaurant serving alcohol. Only two doors down, at 154, there is a licensed public house and another opposite. In addition, there is NO burger bar anywhere, that I am aware of that serves alcohol.

Therefore, the granting of the application will only result in have a negative impact on the community. It will also make our lives unbearable.

They have little care for the community. For example, rather than temporary closing the business to carry out, what they called urgent structural repairs, they decided to carry this out after the business finished trading for the day. They commenced heavy, extremely loud drilling after 1.00 am and the work did not finish until after 6.00 am. Even after complaining several times asking the staff to stop, they paid no attention. Please do not grant the application.

Yours sincerely,



## Application for a premises licence to be granted under the Licensing Act 2003

Please read the following instructions first

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Harinder Singh Mandair

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

## Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Burger Bol 156 High Street Harborne			
Post town	Birmingham	Postcode	B17 9PN

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 18,750

## Part 2 - Applicant details

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

a)	an individual or individuals *	X	please complete section (A)
b)	a person other than an individual *		
i	as a limited company/limited liability partnership		please complete section (B)
ii	as a partnership (other than limited liability)		please complete section (B)
iii	as an unincorporated association or		please complete section (B)
iv	other (for example a statutory corporation)		please complete section (B)

c)	a recognised club	please complete section (B)
d)	a charity	please complete section (B)
e)	the proprietor of an educational establishment	please complete section (B)
f)	a health service body	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	please complete section (B)
h)	the chief officer of police of a police force in England and Wales	please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

**(A) individual applicants (fill in as applicable)**

Mr <input checked="" type="checkbox"/>	Ms <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Mandair			First names Harinder Singh		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/>		X Please tick yes	
Nationality		British			
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

**Second individual applicant (if applicable)**

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over			I am 18 years old		Please tick yes
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service. (please see note 15 for information)					

**(B) Other applicants**

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

Name
Address
Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

A restaurant/bar based on the ground floor of the premises which will serve to the local community. Delivery service for takeaways for food.

Policies and procedures will be in place for the running of the premises, especially during the sale of alcohol. i.e. staff training manual, refusal book, challenge 25 signage/posters and incident log.

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

n/a

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

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

Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a) plays (if ticking yes, fill in box A)	
b) films (if ticking yes, fill in box B)	
c) indoor sporting events (if ticking yes, fill in box C)	
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	
e) live music (if ticking yes, fill in box E)	



f)	recorded music (if ticking yes, fill in box F)	X
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<b>Provision of late night refreshment</b> (if ticking yes, fill in box I)	X
<b>Supply of alcohol</b> (if ticking yes, fill in box J)	X

In all cases complete boxes K, L and M

## A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed					
Thur			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Fri					
Sat					
Sun			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

# B

<b>Films</b> Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors <input type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon						
Tue						
Wed						
Thur			State any seasonal variations for the exhibition of films (please read guidance note 5)			
Fri						
Sat			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sun						

# C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)			
Day	Start	Finish				
Mon						
Tue						
Wed						
Thur			State any seasonal variations for indoor sporting events (please read guidance note 5)			
Fri						
Sat			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sun						

# D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

# E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	X
				Outdoors	
				Both	
Day	Start	Finish			
Mon	23:00	00:00	Please give further details here (please read guidance note 4)		
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	23:00	00:00			
Fri	23:00	00:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	23:00	00:00			
Sun	23:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<b>Please give further details here</b> (please read guidance note 4)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sun					

## I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	X
				Outdoors	
Day	Start	Finish		Both	
Mon	23:00	00:00	<b>Please give further details here</b> (please read guidance note 4)		
Tue	23:00	00:00			
Wed	23:00	00:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur	23:00	00:00			
Fri	23:00	00:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat	23:00	00:00			
Sun	23:00	00:00			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	X
				Off the premises	
				Both	
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	08:00	00:00			
Tue	08:00	00:00			
Wed	08:00	00:00			
Thur	08:00	00:00	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	08:00	00:00			
Sat	08:00	00:00			
Sun	08:00	00:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Harinder Singh Mandair	
Date of birth	
Address	
Postcode	
Personal licence number (if known) 0169 19	
Issuing licensing authority (if known) Sandwell MBC Sandwell MBC	

K

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

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	00:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	08:00	00:30	
Wed	08:00	00:30	
Thur	08:00	00:30	
Fri	08:00	00:30	
Sat	08:00	00:30	
Sun	08:00	00:30	



## M

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

The requirements of the four licensing objectives will be met by the premises licence holder and by the staff at all times.  
I have submitted a strong operating schedule with modest hours of operation showing commitment in order to carry out due diligence.  
Policies and procedures will be fully implemented to benefit the running of the business via refusal book, incident log, challenge 25 signage/posters and staff training/procedure manual.

**b) The prevention of crime and disorder**

CCTV will be installed, operated and maintained at all times. Images will be retained for at least 28 days and will be produced to any responsible authority upon request. The CCTV will be in operation during trade and regular checks will be carried out. The result of the checks will be recorded in the incident log and will be signed and dated. Warning notices will be displayed in public areas of the premises demonstrating that the CCTV is in operation. A refusals register will be maintained at all times and will be checked and signed off by the DPS. The log will be made available for inspection by any Responsible Authority upon reasonable request. Staff who are involved in the sale/supply of alcohol will receive documented refresher training every six months.

**c) Public safety**

The premises licence holder or DPS will carry out checks of the restaurant before it is opened to the public, to ensure that there are no risks to patrons and that all safety precautions are in place.  
The licence holder will ensure that all staff receive appropriate staff training and that all staff are aware of their social and legal boundaries and their responsibilities regarding the sale/supply of alcohol.  
All safety certificates and inspection reports will be kept on site and will be available to the responsible authority upon request.

**d) The prevention of public nuisance**

All staff will ensure that any disturbance caused will be kept to a minimum and will not impact the general public and signage will be placed in a prominent place requesting customers to respect others.  
All doors and windows will be kept closed whilst music is playing except when the public access and leave the premises. It will be mostly ambient background music. The premises staff will ensure that the restaurant is checked regularly for litter and rubbish ensuring cleanness, especially at the front of the building.

**e) The protection of children from harm**



Challenge 25 signage will be placed in areas that the public have access to demonstrating that no underage sales will be allowed. A challenge 25 policy will be in place and only recognised forms of ID will be accepted ie. PASS accredited ID, passport or photo driving licence. Alcohol will not be served to anyone who appears to be vulnerable or drunk.

**Checklist:**

Please tick to indicate agreement

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

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

**Part 4 – Signatures** (please read guidance note 11)

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

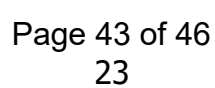
<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or 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</li> </ul>
--------------------	---

	<p>the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	Harinder Singh Mandair
Date	16.8.2023
Capacity	Manager

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	16.8.2023
Capacity	Manager

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Harinder Singh Mandair			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			



**From:** Mark Swallow  
**Sent:** 18 August 2023 09:58  
**To:** 'Kiranjit Jalaf'  
**Cc:** Licensing  
**Subject:** Application for Premises License 156, High Se, Harborne. B17 9PN

Good Morning Licensing,

Reference the above application below are extra operating conditions agreed with the premises.

With these additions West Midlands Police have no objection to the issue of the premises license. The applicant has been copied into this email.

Mark Swallow.

**From:** Kiranjit Jalaf  
**Sent:** 17 August 2023 16:02  
**To:** Mark Swallow  
**Subject:** Re: [External]: Re: Application for Premises License 156, High Se, Harborne. B17 9PN

Good Afternoon Mark,

I am happy with those conditions to be added.

Many thanks  
K Devi

On 17 Aug 2023, at 10:00, Mark Swallow wrote:

Kiranjit,

Thank-you for getting back.

In order to promote the licensing objectives I would ask that you consider the adoption of the below additional conditions to be added to your license. Please feel free to take any advice that you see fit in relation to it.

Mark.

**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.**

