

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Monday 9th November 2020
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	Los Banditos Bar & Grill, 90 Boldmere Road, Boldmere, Sutton Coldfield, B73 5UB
Ward affected:	Sutton Vesey
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have been made in respect of an application to vary the Premises Licence plan.

The application seeks to make the following amendments to the plan:

- To licence the outside garden terrace. The outside garden terrace has been equipped with wooden tables and chairs to allow dining. A small bar has also been created to serve customers in this area.
- The toilets that are located to the rear of the premises to be moved to the 1st floor.
- The area vacated by the toilets will be made into a dining area. The disabled toilet will remain in situ.
- The Fire Exit door on the side of the premises will be re-located to the side of the existing door, to allow more room behind the bar area.

The applicant is not seeking to vary the licensable activities or times under the scope of this application.

2. Recommendation:

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

3. Brief Summary of Report:

Variation application received on 16th September 2020 in respect of Los Banditos Bar & Grill, 90 Boldmere Road, Boldmere, Sutton Coldfield, B73 5UB .

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.

<p>5. Relevant background/chronology of key events:</p> <p>Los Banditos (Birmingham) Ltd applied on 16th September 2020 to vary the Premises Licence for Los Banditos Bar & Grill, 90 Boldmere Road, Boldmere, Sutton Coldfield, B73 5UB .</p> <p>Representations have been received from other persons. See Appendices 1 – 11.</p> <p>The application is attached at Appendix 12.</p> <p>Conditions have been agreed with Environmental Health and the applicant, which are attached at Appendix 13.</p> <p>The current premises licence is attached at Appendix 14.</p> <p>Site Location Plans at Appendix 15.</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> <ul 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.
<p>6. List of background documents:</p> <p>Copy of the representations as detailed in Appendices 1 – 11</p> <p>Application Form, Appendix 12</p> <p>Conditions agreed with Environmental Health, Appendix 13</p> <p>Current Premises Licence, Appendix 14</p> <p>Site Location Plans, Appendix 15</p>
<p>7. Options available</p> <p>To grant the variation application</p> <p>To refuse the whole or part of the application</p> <p>To modify the conditions of the Licence</p>

From:
Sent: 05 October 2020 11:17
To: Licensing
Subject: Re: Los Banditos Boldmere

Thank you for your reply Mr Shaid Yasser,

Firstly I would like to confirm any correspondence will be treated as private and confidential.

Myself and other Boldmere residents have many concerns over the application for an outdoor alcohol licence being granted.

Firstly can you confirm if Los Banditos currently have an outdoor alcohol licence as they have had an outdoor bar area serving alcohol and hosting outdoor events since 2017, this happens way past the 9pm curfew regularly. Weekends are especially loud as the beer garden backs onto a quiet residential road. The owner lives above the bar and music and events carry on much later than 9pm.

My obvious concern is if they have been operating this way for 3 years with no regard for the local community then if a licence is granted this situation will become untenable as they have never conformed to a 9pm curfew and possibly been using the outdoor bar freely without a licence.

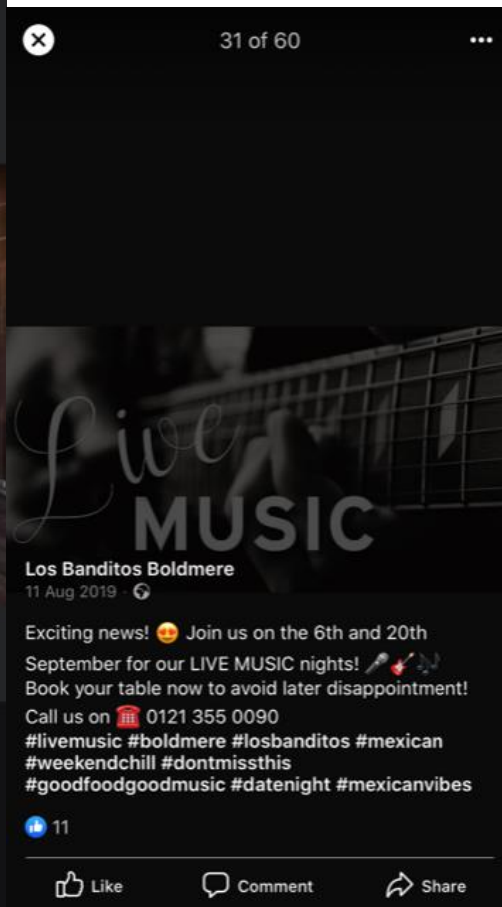
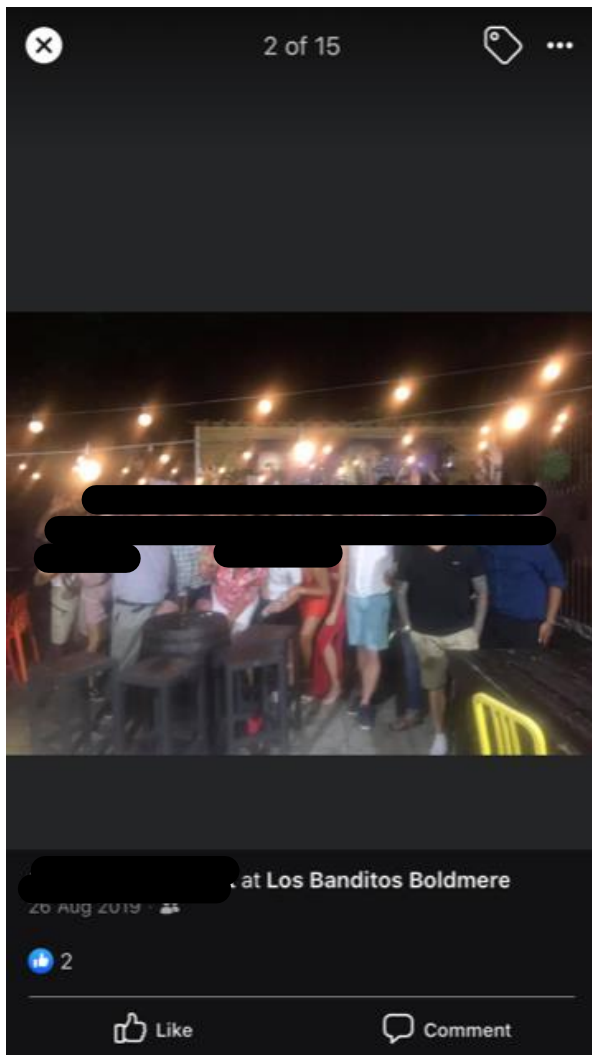
I would welcome you to please check the Los Banditos Facebook social media pages as evidence of the outdoor drinking and previously hosted events.

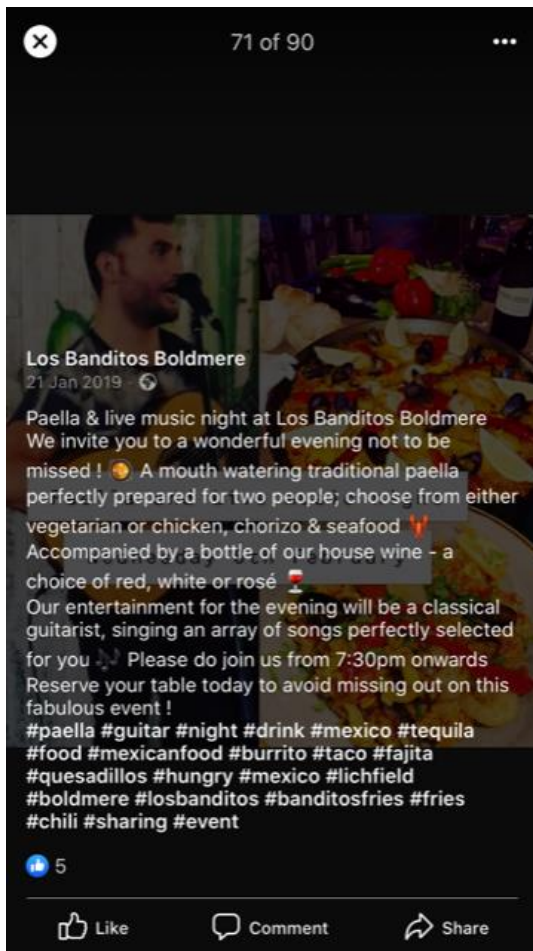
This is not a new application to adhere to the new Covid-19 restrictions and new social distancing measures, I and other residents feel it is a blatant excuse to finally get an outdoor licence permitted. As when we have complained in the past our concerns have been ignored by the owner.

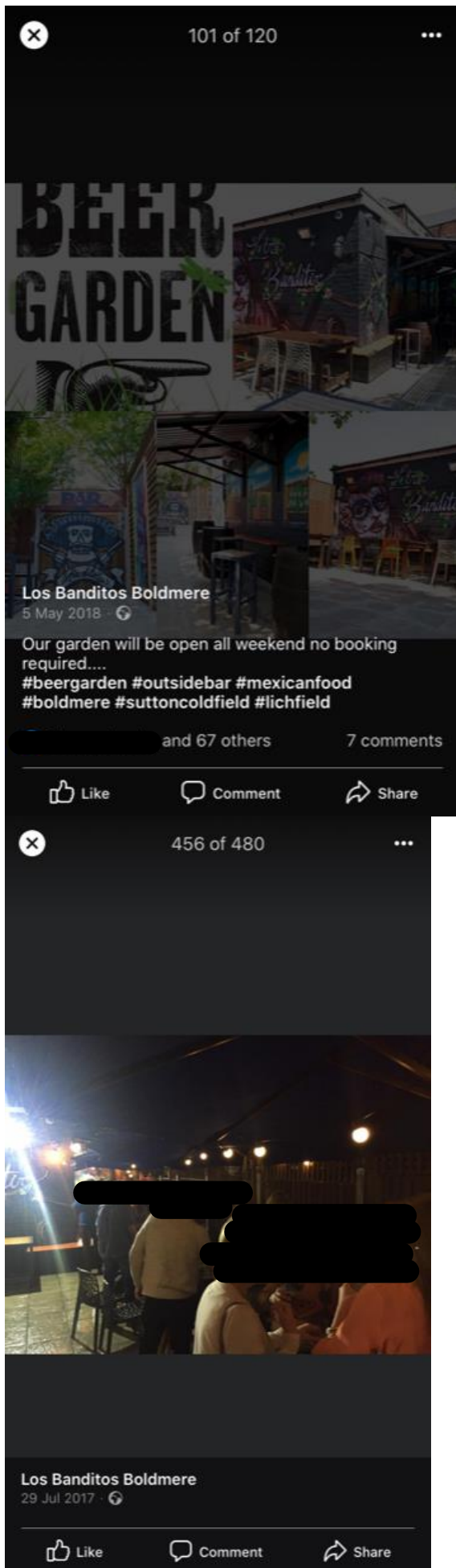
Previously outdoor World Cup events and music festivals have been held using the outdoor bar area. If this application is passed I feel strongly that the 9pm curfew will not be implemented by the owner as it is currently ignored anyway.

BCC may be putting residents in an position of regularly having to call the relevant authorities every weekend after 9pm, I personally feel this is a complete waste of the authorities time.
Thank you so much for your time and consideration in advance.

I have attached some social media evidence that are clearly dated to support the residents concerns.







Los Banditos
MEXICAN BAR AND GRILL

NEW MEXICAN BEER GARDEN FOR BOLDMERE

Los Banditos, Boldmere Road's Mexican inspired restaurant, has opened a stylish new beer garden with separate outdoor bar.

The colourful terrace which is open seven days a week, can be accessed from both the road and the restaurant and has seating for 30 covers where customers can order food and drinks, any time of day.

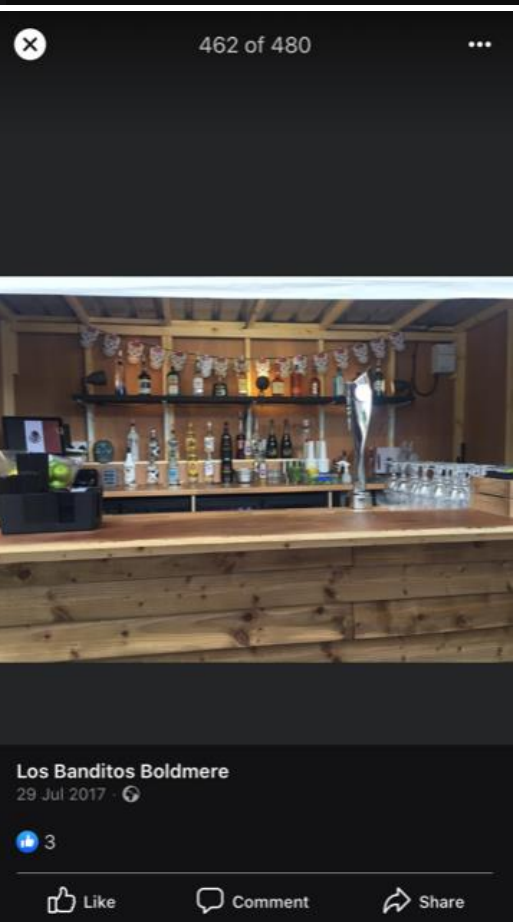
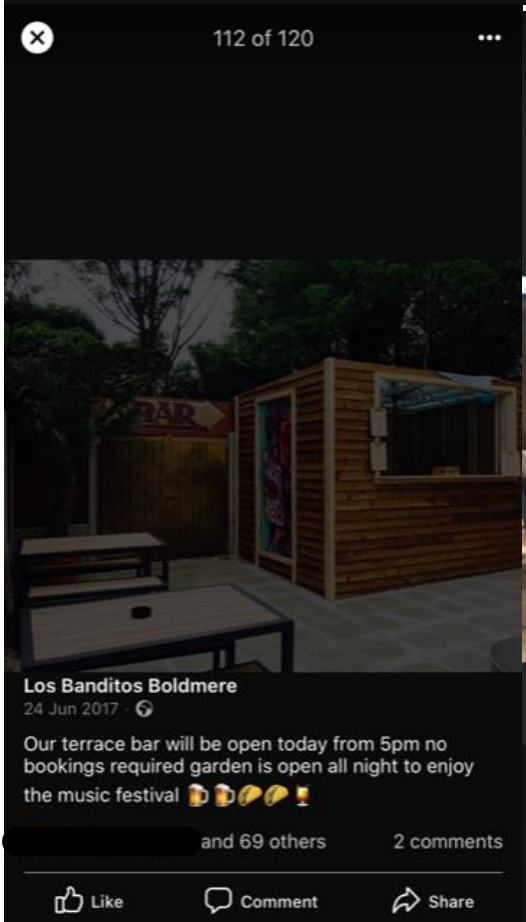
The new outdoor bar which will be open every Friday & Saturday evening (weather dependent), will serve beers, wines, spirits and an extensive selection of cocktails including Mojitos, El Chapos, Strawberry Daquiris and Margaritas.

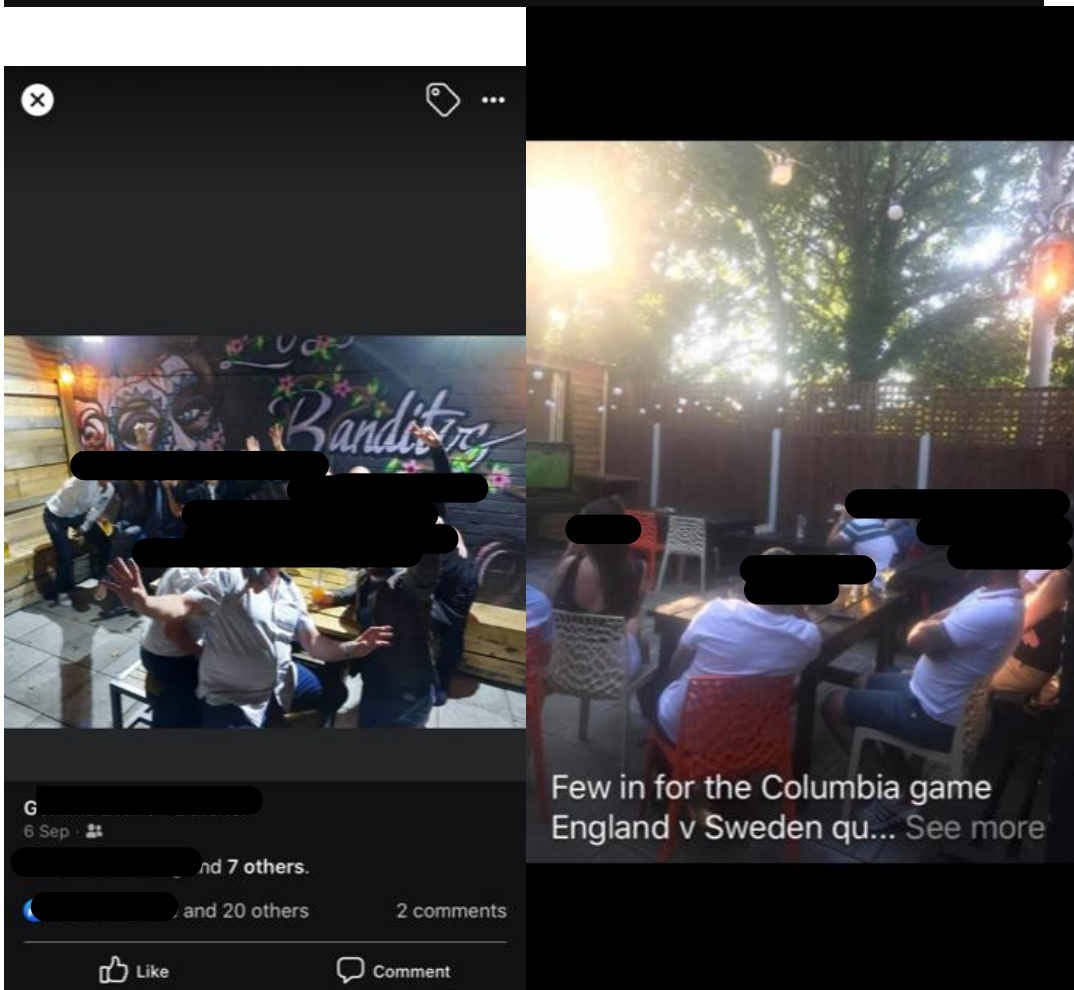
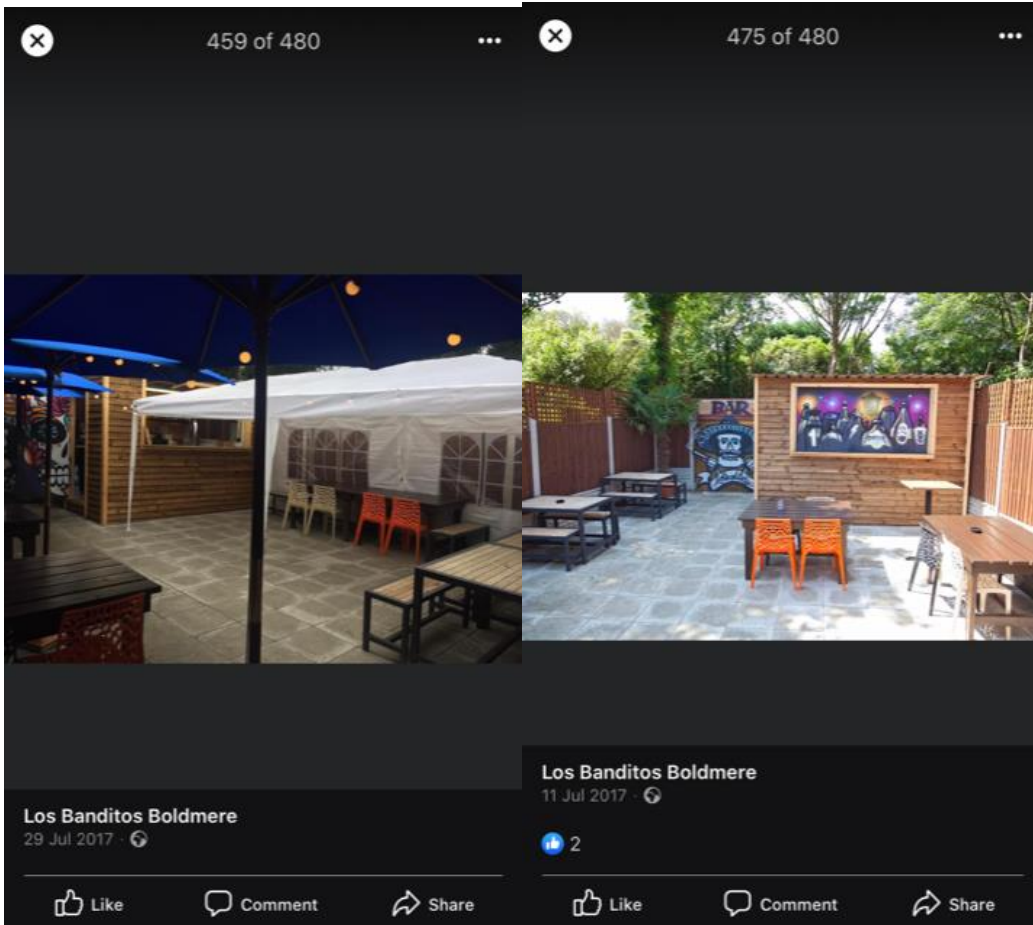
Los Banditos is open every day from midday - 11.30pm and is now serving its new summer menu. 2 4 1 cocktails are available all day, every Monday and a 2 course lunch menu for £7.95, is served Monday - Thursday, 12 - 4pm.

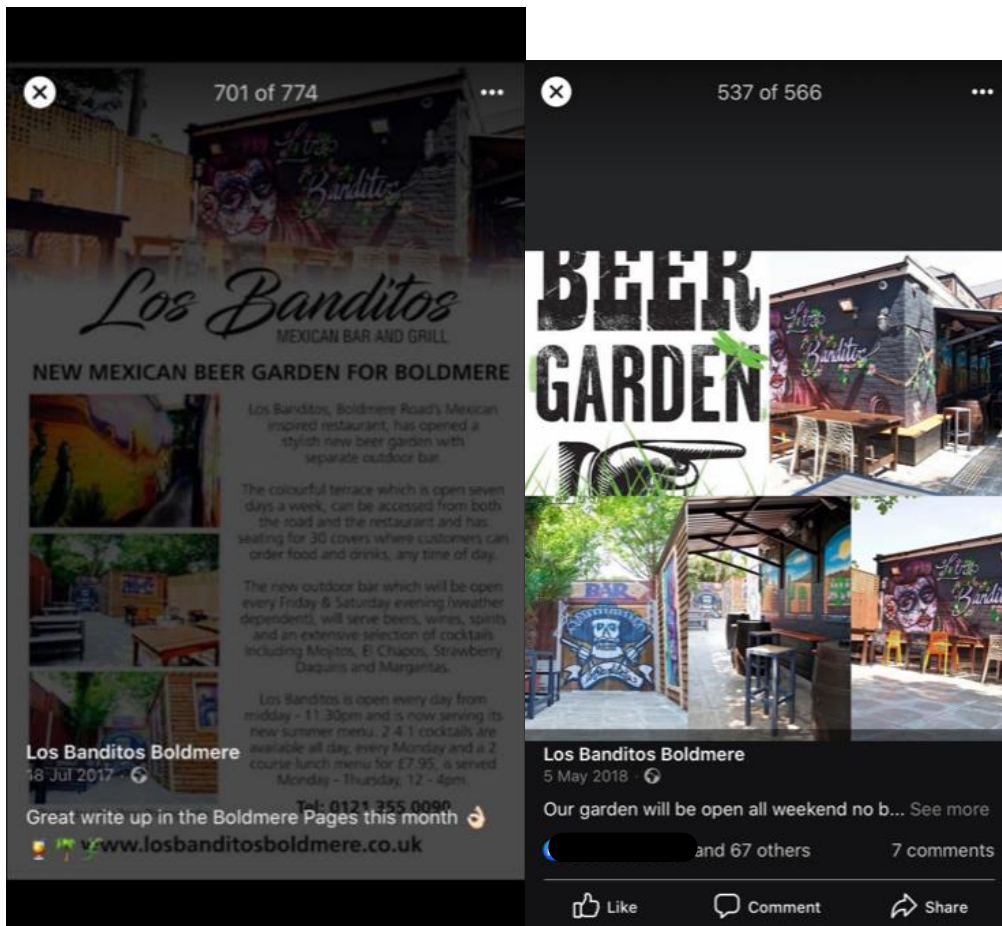
Photos by Little Pops Photography

Tel: 0121 355 0090

www.losbanditosboldmere.co.uk








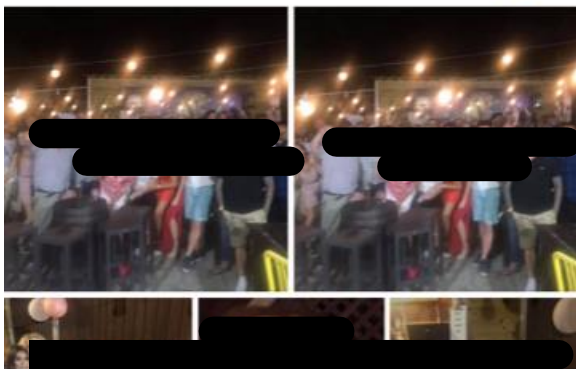
vodafone UK 11:48 78%

los banditos boldmere

All Posts People Groups Photos Videos

 [redacted] eating dinner
with [redacted] and 25 others at Los
Banditos Boldmere.
26 Aug 2019 · Sutton Coldfield · 🍷

Happy anniversary to my amazing husband, you are the best 🥰 Looking forward to the next 20 years 🥰 Thank you everyone for joining us to celebrate, had a fantastic night and thank you to my lovely children for the decorations x Tina, the cake is fabulous, thank you so much 🥰🥰 To all at Los Banditos - Thank you for a great evening 🥰



From:
Sent: 06 October 2020 21:27
To: Bhapinder Nandhra
Subject: Licencing Application Reference 117321

Good evening,

I am a resident on Heathlands Road and my neighbour has passed me a copy of this licence application as they thought I'd be interested in it. My property is in close proximity to this establishment therefore I do not understand why I have not been given any automatic notification of this request? Can you explain please.

Firstly, I need to point out that myself and some of my neighbours complained to the management of Los Banditos last year regarding noise and antisocial behaviour whereby use of beer garden was being used to host an event late into the night and beyond the 9pm closing time. [REDACTED]

As such, I do not give permission for my details to be disclosed and I must insist that my anonymity is protected. Can you please confirm this.

I have an issue with the request that, *'After 9pm the side external terrace only shall be used for customers to smoke'*.

There have been issues with this establishment in the past whereby Management have not abided by the rules, and the beer garden has been used deep into the night and way beyond 9pm when the Planning Conditions say the beer garden must not be used at all. The misuse of the beer garden causes nuisance by virtue of excessive and unwanted noise, swearing and shouting. The worst of this was on 17 July 2020 at exactly 22:56hrs when the rear garden was still being used and some football style chanting started whereby the phrase, *'F** the Albion'*, was chanted in a loud and loutish fashion and was heard by both my children (who were trying to sleep bedrooms at the rear of my property) and many neighbours, one of which recorded it.

If this establishment did not use this beer garden after 9pm, there wouldn't be an issue. Due to past experiences of this establishment flouting the governing the use of this beer garden, the relaxation of these rules to allow smokers to use the designated area in the beer garden without control on number of times will inevitably lead to an increase nuisance of excessive noise and antisocial behaviour from 9pm and way beyond. There are children that live along Heathlands Road who's bedrooms overlook or face this beer garden who already get disturbed after 9pm due to this establishment continuing to allow the beer garden to be used. What thought has been put into this specific request to ensure that children in close proximity who are asleep remain undisturbed by this proposal after 9pm? Has any thought been put into that? Can we please keep the beer garden closed after 9pm. I don't see why smokers can't simply go to the front of the property on Boldmere Road and smoke there, where they can smoke all night long if they wish, without causing nuisance or disturbance to anyone on Heathlands Road.

Regards.

From:
Sent: 12 October 2020 22:45
To: Licensing
Subject: RE: Licensing Act 2003 (Variation) RE: Los Banditos, 90 Boldmere Road, Sutton Coldfield, B73

Good evening.

I have re-read the application, which isn't the clearest, nor does it align with the accompanying drawing very clearly or the narrative provided by Shahid Yasser by email on 2/10/20, which states:

The new proposed plan is attached in this email.

In addition to this further conditions have been agreed with Environmental Health which are as follows:

1. Customers shall vacate the external garden terrace to the rear of the premises after 9pm Monday to Sunday.
2. The bi-folding doors to the rear of the premises leading on to the garden terrace shall be closed after 9pm.
3. After 9pm the side external terrace only shall be used for customers to smoke.

Regards

Mr. Shaid Yasser | Senior Licensing Officer | Licensing Section | Regulation & Enforcement | Neighbourhoods Directorate

Web address: www.birmingham.gov.uk/licensing | Twitter: [@BCCLicensing](https://twitter.com/BCCLicensing)

The above conflicts with Section 4.2 of the Operating Conditions, items 12 and 13 below which states:

Item 13 – Outside area will be used between 10:00hrs & 22:00hrs Monday to Sunday.

Item 14 – Background music will be used in the outside areas up until 22:00hrs Monday to Sunday.

4.2 Operating Conditions

Operating conditions attached to the licence and classified by objective:

General	General conditions consistent with the operating schedule.
Crime	Conditions consistent with, and to promote the prevention of crime and disorder.
Safety	Conditions consistent with, and to promote public safety.
Nuisance	Conditions consistent with, and to promote the prevention of public nuisance.
Child	Conditions consistent with, and to promote the protection of children from harm.

Objective	Condition
GENERAL	No Adult Entertainment shall be held at the premises
GENERAL	The premises licence holder shall ensure that all Staff receive adequate and regular training on the promotion of the four licensing objectives. A record of the staff training will be kept at the premises and be available for inspection on request by any Responsible Authority.
CRIME	Customers shall not be permitted to carry open bottles or glasses beyond the licensed area.
CRIME	CCTV shall be installed at the premises to the satisfaction of Birmingham Central Police Licensing Department. The CCTV shall be maintained and recording at all times when the premises are open for the purposes of licensable activities. Recordings shall be kept for a minimum period of 31 days and CCTV images shall be made available to any Responsible Authority immediately on request.
CRIME	Staff will be given on-going training including identification of anti-social or unusual behaviour
CRIME	An incident register shall be maintained at the premises and made available at all times for inspection by any Responsible Authority.
SAFETY	Adequate lighting will be provided to all internal and external public areas to promote the public safety objective.
NUISANCE	The disposal of empties and bottles shall not be done after 23:00 hours or before 07:00 hours.
NUISANCE	Clear and legible notices shall be displayed at the exits requesting patrons to leave quietly.
NUISANCE	The Premises licence holder shall ensure that noise emanating from the premises is monitored so as not to become a public nuisance
NUISANCE	The Premises Licence holder shall ensure that the external areas of the premises are monitored to prevent any anti-social behaviour and public nuisance caused by the premises.
NUISANCE	Outside area will be used between 10:00hrs & 22:00hrs Monday to Sunday.
NUISANCE	Only background music will be used in the outside areas up until 22:00hrs, Monday to Sunday.
NUISANCE	There is a small area to the side of the garden terrace which is designated as a smoking area.
NUISANCE	Customers shall vacate the external garden terrace to the rear of the premises after 9pm Monday to Sunday.
NUISANCE	The bi-folding doors to the rear of the premises leading on to the garden terrace shall be closed after 9pm.
NUISANCE	After 9pm the side external terrace only shall be used for customers to smoke.
CHILD	A Challenge 25 policy shall be in operation at the premises.
CHILD	Staff shall be trained in the operation of the age policy.

Having re-read the application as I can't work out why the conditions agreed with Environmental Health conflict with Section 4.2, Items 12 & 13. In addition to my objection already provided regarding permitting smoking in the outdoor area after 9pm, I offer the following additional objections and reasons:

- I object to the request to play background music at all in the outside area
- I object to the request that use of the outside area be increased between 10:00hrs & 22:00hrs Monday to Sunday

The reasons I object are:

- The prevention of disorder: We already hear regular anti-social behaviour after permitted hours from this particular outdoor area after 9pm and it is a noise and bad language nuisance. This also applies to my objection about smoking in the rear outdoor area after 9pm.
- Protection of children from harm: My children's bedrooms have a line of contact with this outdoor area and they can already hear this outdoor area being used after 9pm and have experienced antisocial noise and adult language. They are of school age so they are impressionable. How do you ensure they get a good night's sleep and not be subject to noise, music and adult language after 9pm whilst in the comfort of their own bedrooms (especially in the Summer when they have their bedroom windows are open)?

I note you have not logged Items 12 and 13 of Section 4.2 above under the 'Child' category instead it's under Nuisance.

Thank you for confirming my anonymity will be protected.

From:
Sent: 08 October 2020 10:04
To: Licensing
Cc: Sharon Watts
Subject: planning application variation for Los Banditos

Having spoken to neighbours, I understand there is a pending application for a "licenced" outdoor bar at Los Banditos Boldmere.

I find this extremely concerning as alcohol has been regularly sold from their outdoor bar for three years. Causing noise and nuisance to local residents. The fact that this has been happening without a licence for years is very upsetting.

I feel if permission were to be granted it would be to the detriment and misery of local residents during summer months when they hold further outdoor events.

These events go on way past 9pm.

If Birmingham City Council fails to support local residents who have lived in Boldmere for 40 plus years we will be left with no alternative than to ring 999 at weekends.

The fact these calls haven't been made prior was due to the local community assuming the bar was legal and above board.

I trust the concerns of local residents will be taken seriously.

I have attached google images freely available to the public and general reviews where the management openly promotes the outdoor bar.

These reviews and images date back as far as three years.

Many Thanks

vodafone UK

17:16

22%

tripadvisor.co.uk

Photos

Details

Reviews

Birmingham, United Kingdom

Reviewed 18 July 2017

Went to Los Banditos for Saturday lunch on the recommendation of a friend, and what a good recommendation it was. The food was excellent and the portion sizes very generous, especially the Nachos. The place is relaxed, the staff friendly and the decor great. The recently opened terrace at the back will I'm sure get very popular when the sun decides to make an appearance.

Top tip : Wear an elasticated waistband, you'll need it !

Hasta Pronto.

Show less

Date of visit: July 2017

Value

Service

Food

1 Thank griffsm66

This review is the subjective opinion of a TripAdvisor member and not of TripAdvisor LLC

Aveeno

No matter your skin type

DISCOVER THE RANGE



reviewed **Los**

Banditos Boldmere – 5★

29 Jan 2018 · 



Love it here whether it's for food or just drinks!
Wish the bar area was bigger though as it's so popular!



4,838 LIKES

Los Banditos Boldmere
Mexican restaurant



Like



Comment



Share



1



Los Banditos Boldmere

Thank you for the five star review & lovely comments [REDACTED]. We're glad you enjoyed your visit and don't forget as soon as the weather picks up our outdoor bar & terrace area will also be available for you to enjoy 🍷🍹🍸

Hope to see you again soon 🌵🍷🌮



Write a comment...



Photos Details Reviews

value Service Food

1 Thank griffsm66



This review is the subjective opinion of a TripAdvisor member and not of TripAdvisor LLC

losbanditosboldmere, Manager at Los Banditos Mexican Bar & Grill, responded to this review

Responded 22 July 2017

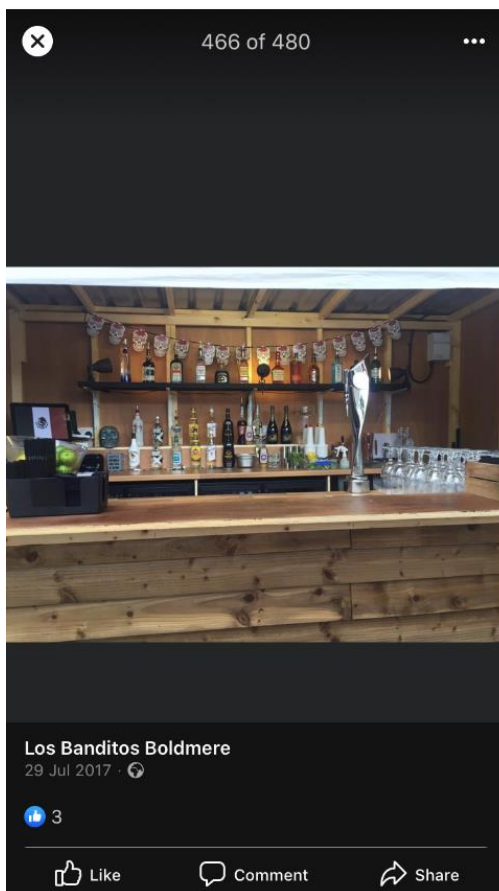
Hello there

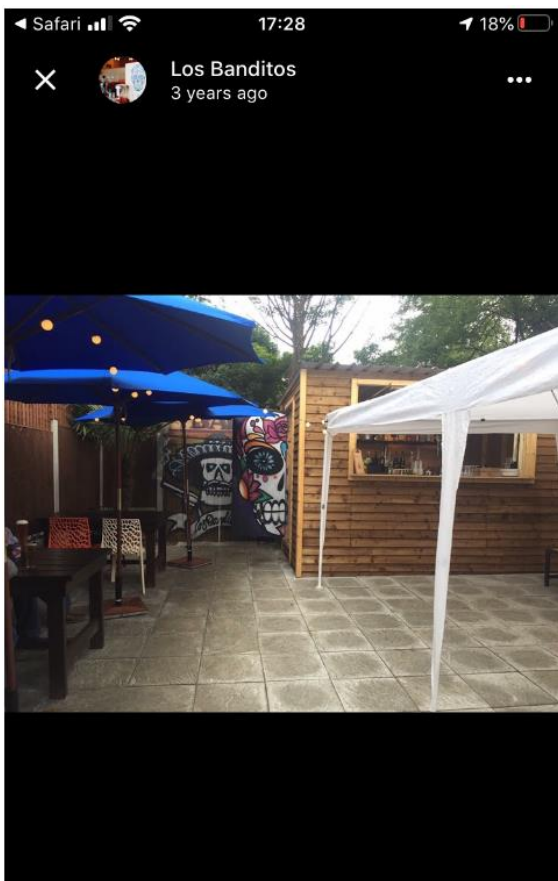
What a great review, thank you so much for taking the time to leave it, we love it when people leave great reviews because they have enjoyed the whole experience, we have been packed on the terrace but as you say only due to the weather on good days, we will soon have beer pumped out there and a full range of drinks so even better for everybody, so glad you enjoyed the food and everything, be great to see you again soon

Thanks so much

Show less

Report response as inappropriate





Safari 17:29 18%

Los Banditos
3 years ago



Los Banditos

MEXICAN BAR AND GRILL

NEW MEXICAN BEER GARDEN FOR BOLDMERE



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Los Banditos is open every day from midday - 11.30pm and is now serving its new summer menu. 2.4.1 cocktails are available all day, every Monday and a 2 course lunch menu for £7.95, is served Monday - Thursday, 12 - 4pm.

Photos by Little Pops Photography


Tel: 0121 355 0090

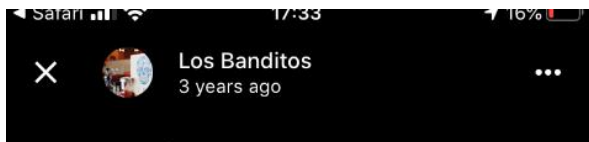
www.losbanditosboldmere.co.uk

Safari 17:32 16%

Los Banditos
3 years ago

Our outside bar coming along nicely this will be open every Friday and Saturday evenings as long as the sun is out!! San Miguel on tap and all your favourite cocktails in the sun!!!



Our outside terrace area now available for private hire with outside bar and our amazing food for all functions!! pop in and see us or message us for details 🌮🌮🌶️🌶️🍷🍷🍹🍹



From:
Sent: 11 October 2020 19:46
To: Licensing
Subject: Re: Planning application

To whom it may concern:

Re: Los Banditos, 90 Boldmere Road,B73

I am writing with regards to the plans made by for the above premise, which will be located at the bottom of our garden. We do not support this proposal with the reasons outlined below.

We have our grandchildren living with us and the noise created during the evening events will interrupt their well established sleep routines that we have created.

The food and drinks consumed will also increase the creation of waste and the spread of pollution at the bottom of our garden. We are concerned about the likelihood of this attracting pests and vermin which will be a problem as our grandchildren regularly use our garden.

In addition to this we are concerned about the impact that this will have on the local area. As it stands there is a high number of well established food and drink venues within the Boldmere area. Despite having double glazed windows we are still disturbed by the noise created in the evening. We are concerned that this increase will lead to a higher probability of antisocial behaviour occurring within the Boldmere area.

We are also becoming increasingly frustrated with our parking spaces outside of our house taken away in the evening. This has resulted in having to park our cars further away from our house which has become a security concern for us

We hope you are able take our views into consideration.

Yours faithfully

Heathlands Road.

From:
Sent: 13 October 2020 14:21
To: Licensing
Subject: Application Reference 117321

Dear Licensing,

In respect of the above application, we have concerns that approving the application will result in an increase of noise from the outside rear area and therefore will contravene Objective 3 - Prevention of Public Nuisance of the Licensing Act 2003.

Over recent months there has been a very notable increase in the noise level from the rear of the Los Banditos premises both before and particularly after the 9pm current requirements. This already contravenes the imposed conditions.

The current 9pm cut off should be maintained and witnessed to be maintained by the authority for all outside activities and we request that the licence is therefore refused.

This type of application is totally unacceptable. There are far too many licensed premises in Boldmere without the need for a further one with hours beyond the normal allowance. The amount of noise that the licences premises in Boldmere generate particularly over the weekend is becoming intolerable. There is litter, smashed bottles and remnants of people's stomachs all over the pavements on most weekend mornings. Detritus that rarely gets cleaned up until it rains! Parking in the surrounding streets is also becoming a nuisance and it is very difficult for residents in the area to park on their own premises let alone if the emergency services or large delivery vehicles need access.

It is very often the case that empty bottles are left on people's walls and returning patrons returning to their cars singing in the streets at late hours. Urinating in the streets or in the front gardens of private houses etc in the area is commonplace.

In conclusion, there is more than enough licensed businesses in Boldmere without the need for another with even later closing throughout the week.

We therefore strongly object to the application as do many of the local residents. We hope the application fails.

Regards

Boldmere Resident.

From:

Sent: 13 October 2020 14:46

To: Licensing

Cc: Councillor Rob Pocock ; Councillor Kath Scott ; dot.finegan@birmingham.gov.uk; David Hill

Subject: Application Reference 117321

Dear Licencing,

I write to register my concerns with this application, specifically under Section 3 – Prevention of Public Nuisance.

I was disappointed, but not surprised, to see some of the entries under “Nuisance”, as the applicant has been testing the existing boundaries for some time, resulting in a Planning investigation and a form of enforcement in August 2019.

In September 2016 the Council issued conditional approval to application 2016/05180/PA, of which this is number 5:

5 Prevents music being played within the outdoor rear seating area.

No music shall be played in the outdoor rear seating area as shown on Drawing Number 003469 Rev-A.

Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Breaches of this condition led to concern amongst neighbours, conversations with the licence holder, complaints to Planning and the involvement of Councillors Pocock and Scott. The outcome was a visit from the enforcement officer and the clarification that planning conditions persist for the lifetime of the business, together with the note that Planning superseded Licencing if the condition is tighter. Audio recordings were made on various occasions, and new ones were made when breaches occurred again in 2020.

I retired in the autumn of 2018, and since then have spent more time in the garden, which backs on to the premises in this application. When the Covid-19 lockdown started access to green spaces gained a premium, and for me this was heightened by the death of one of my daughters, whose funeral took place in March. Normal life, let alone normal sleep, took some time to return, and the noises (human and recorded) that escaped from the rear of the restaurant did not help. Some of these were after 10 p.m., others after 11 p.m., putting them in breach of planning condition 9:

9 Limits the hours of use of the restaurant to between the hours of 11:00 and 23:30 and the outdoor seating area to between 11:00 and 21:00.

The restaurant shall only be open for customers between the hours of 11:00 and 23:30 daily and the outdoor rear seating area shall only be open for customers between the hours of 11:00 and 21:00 daily.

Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

It should be remembered that there are other residents living nearer to the source than I do, as there are flats above and behind the shops adjacent to the restaurant. What this resident does not need is a neighbour to be authorised by the council to extend their hours and to play amplified music (“background” is such a subjective term) until 22:00 seven days a week. I note the agreement with Environmental Health, but this might be changed, whereas the Licence has more force.

The previous use for this property was as a bank, and generally activities on this side of Boldmere Road are indoors and/or in “office hours”. Outdoor activity enhanced by the effects of alcohol, music and customer singing have already created a nuisance – my wish is that you reinforce the planning conditions and help us have less, not enable more.

From:
Sent: 13 October 2020 20:35
To: Licensing
Subject: Los Banditos - Application Ref:117321

Dear Sir,

The application refers to extending the licence into the rear garden terrace in this residential setting. We have noise during week-end afternoons and sometimes well into the night and this is without a small bar in the back garden.

There is no mention of music, an additional noise which we have happened to experience. The open bi-folding doors whether present or to be introduced will also worsen the situation.

We would welcome information on the number of customers expected to fill the restaurant internally and in the back garden at any one time. Presumably these figures would take into account COVID -19 restrictions and Post-COVID-19.

Noise Limiting Devices could also be installed by the Environmental Health and controlled by an outside governing body which for some reason has not been suggested in the application.

For your information the rear outside garden terrace backs on to gardens belonging to family residents. We are therefore not in favour of there being a bar in the back garden of Los Banditos and request the application be refused.

A concerned resident.

Regards,

Heathlands Road
Boldmere
Sutton Coldfield
B73

From:
Sent: 14 October 2020 09:27
To: Licensing
Subject: Los Banditos - application reference 117321

Dear Licensing,

We note the application reference 117321 and do have serious concerns that approving this application will result in an increase of noise emanating from the outside area and therefore contravene Objective 3 - Prevention of Public Nuisance of the Licensing Act 2003.

Over the recent months there has been a notable increase in outside noise and, whilst existing license conditions require the outside area to be closed by 21.00hrs, noise has continued after this time on multiple occasions.

Heathlands Rd backs onto the outside area and there are a number of young families who will be affected if this application was granted. Further, our grandchild stays and would also be affected by granting this application.

I politely request the current 21.00hrs cut off is maintained for all outside activities and the request to license the outsidefarden terrace be refused.

Many thanks.

Heathlands Rd
Boldmere

From:
Sent: 14 October 2020 12:44
To: Licensing
Cc:
Subject: Application Reference: 117321

Dear Licensing,

Please find attached representation objecting to the granting of this License application.

Kind regards,

[REDACTED]
[REDACTED] Heathlands Road
Boldmere
Sutton Coldfield
West Midlands
B73 5D [REDACTED]

Monday 13 October 2020

Birmingham City Council
Licensing Department
P.O. Box 17013,
Birmingham,
B6 9ES

Dear Licensing,

I write to register my concerns in respect of Application Reference: 117321 and the negative impact it will have on promoting the following licensing objectives:

- c) the prevention of public nuisance
and
- d) the protection of children from harm

Conditional approval was granted in 2016 for the establishment:

Los Banditos, 90 Boldmere Road, Sutton Coldfield, Birmingham, B73 5UA

under application ref:

2016/05180/PA

Those conditions were as follows:

Condition 5:

Prevents music being played within the outdoor rear seating area.

No music shall be played in the outdoor rear seating area as shown on Drawing Number 003469 Rev-A.

Reason:

In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Condition 9:

Limits the hours of use of the restaurant to between the hours of 11:00 and 23:30 and the outdoor seating area to between 11:00 and 21:00. The restaurant shall only be open for customers between the hours of 11:00 and 23:30 daily and the outdoor rear seating area shall only be open for customers between the hours of 11:00 and 21:00 daily.

Reason:

In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Negative impact on the prevention of public nuisance:

Following consistent breaches of both these conditions resulting in noise nuisance, reports were filed with Licensing Enforcement and steps were taken under the following:

2017/0838/ENF
2019/1242/ENF
2020/0899/ENF

It is important to note that before engaging with enforcement residents approached the establishment and attempted to resolve noise nuisance issues directly by bringing to their attention the conditions applied to the planning consent.

Unfortunately, residents were met with hostility and far from agreeable responses leaving us feeling somewhat apprehensive about approaching the establishment again.

Negative impact on the protection of children from harm.

With my children's bedrooms being at the rear of our property, they are most exposed to noise nuisance emanating from the rear of the establishment. This has been exacerbated during warm evenings when windows need to be open and on occasion my eldest has expressed frustration at the noise from outside.

Approval of this application will in essence be licensing the noise nuisance to continue past 9pm which will have a detrimental impact on sleep, not just of the children but parents too.

When the weather has been favourable and my children at play in the gardens there have been occasions when noise associated with beer gardens; chanting, singing, swearing etc. has been an issue. This issue can only become worse if future consideration is given to expanding the rear area.

Summary

As a resident in the immediate vicinity of 90 Boldmere Road, Sutton Coldfield, Birmingham, B73 5UA I am very well positioned to recommend that the current 9pm cut-off be maintained for *all* outside activity to the rear of the establishment including smoking* and the application request to license the outside garden terrace be refused in entirety.

**It is my view that smoking to the rear of the establishment post 9pm will only serve to promote noise nuisance. This will be further exacerbated by the increased volume of smokers that will arise from an increase of the licenced area internally.*

Section 2.1 of the *FINAL AGENDA REPORT Planning Committee 29 September 2016* states the premises has a private forecourt and it is suggested this area be assigned as the designated smoking area to prevent further noise nuisance from the rear.

Further points for consideration by Licensing:

1. I would also like to take this opportunity to kindly draw your attention to the *FINAL AGENDA REPORT Planning Committee 29 September 2016* and section 4.3 of this document citing 6 letters of objection being received. It is very evident that some of those concerns raised have now sadly materialised:
 - *Increase noise, anti-social behaviour and potential for violence with drinkers from the two public houses opposite. Nearby residents state that they already experience problems from the public house opposite the site, including shouting, singing, arguing and occasionally fighting when leaving the public house.*
 - *Noise nuisance from the use of the outdoor area to the rear of the property; the emptying of hundreds of bottles into bins; and noise from the extraction system.*
 - *Detrimental to the enjoyment of adjoining gardens as a result of noise nuisance, light pollution and odour from cigarette smoke and catering waste bins.*
2. The application states "A small bar has also been created to serve customers in this area". It is important to note that this outside Bar structure has existed for some time, possibly since opening, however this was not a feature of the original planning submission.
3. Sadly we are all affected by Covid-19 and the restrictions that have and are being put in place, stress, anxiety, financial impact, loss are all very real; however, I cannot see how enabling an external bar to serve alcohol has any benefit in combatting this virus from a medical or financial perspective. Therefore, it is not clear how licensing the outside garden terrace is "In line with COVID-19 guidelines" as stated on the application. Could I kindly ask for clarification as to which Government legislation relates to this?

Kind regards,

[Redacted Signature]

From:
Sent: 14 October 2020 18:30
To: Licensing
Cc:
Subject: Ref 117321 Los Banditos Boldmere Road Sutton Coldfield

Dear sirs

I am writing regarding the change in license application ref 117321 and would like to log a strong objection regarding the proposed changes relating to the prevention of public nuisance

There has been an increase in noise from the rear garden area of late with customers using the garden more due to COVID RESTRICTIONS and the summer nights any alterations in drink licence hours will only impact and delay the noise later in the evening.

Please only approve the new build request on the basis of keeping to the existing trading externally to maintain which was no problem since it was opened approx 4 years ago.

Regards

Heathlands Road B73

[REDACTED]
[REDACTED] Heathlands Road
Boldmere
Sutton Coldfield
West Midlands
B73 [REDACTED]

Wednesday 14th October 2020

Birmingham City Council
Licensing Department
P.O. Box 17013,
Birmingham,
B6 9ES

Dear Licensing Department,

Application Reference: 117321

Los Banditos, 90 Boldmere Road, Sutton Coldfield, Birmingham, B73 5UA

I contact you in respect of the above application and premises, to raise concerns that approval of this will lead to an increase of noise nuisance emanating from the rear of the premises.

This will have a negative impact on promotion of licensing objectives **the prevention of public nuisance and the protection of children from harm.**

Despite conditions being applied to the initial planning approval noise and music has continued past 9pm on multiple occasions.

There are young children who live in Heathlands Road who will be negatively impacted by late night noise.

I would be grateful if my representation remained anonymous.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]



Birmingham
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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

Full Variation for Los Banditos

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

Los Banditos

* Family name

(Boldmere) Limited

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

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

☐ Applying as an individual

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

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes

☐ No

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

Registration number

Business name

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

VAT number

-

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

Legal status

Please select...

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

☐ A private individual acting as an agent

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

23,250

Section 3 of 18

VARIATION

Do you want the proposed
variation to have effect as
soon as possible?

☒ Yes

☐ No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

☐ Yes

☒ No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend

Describe Briefly The Nature Of The Proposed Variation

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

The applicant is seeking to amend the Premises License plan for Los Banditos. During these hard times of COVID-19 the applicant is looking to extend the licensed area internally, They will also be seeking to licensed the outside garden terrace. (In line with COVID -19 guidelines)

The applicant proposes to make alterations to the internal layout of the premises. Toilets which are located to the rear of the premises will be moved to the first floor.

The area vacated by the toilets will be made into a dining area. The disabled toilet will remain in situ.

The Fire Exit door on the side of the premises will be re-located to the side of the existing door, which allows more room behind the bar area.

The outside garden terrace has been equipped with wooden tables & chairs to allow dining. A small bar has also been created to serve customers in this area.

This application will not have an adverse effect on the four licensing objectives. The variation is to create an outside area where diners are able to eat/drink, also to create a more private dining area.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

Will the schedule to provide plays be subject to change if this application to
vary is successful?

☐ Yes

☒ No

Section 5 of 18

<i>Continued from previous page...</i>
PROVISION OF FILMS
See guidance on regulated entertainment
Will the schedule to provide films be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 6 of 18
PROVISION OF INDOOR SPORTING EVENTS
See guidance on regulated entertainment
Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 7 of 18
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS
See guidance on regulated entertainment
Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 8 of 18
PROVISION OF LIVE MUSIC
See guidance on regulated entertainment
Will the schedule to provide live music be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 9 of 18
PROVISION OF RECORDED MUSIC
See guidance on regulated entertainment
Will the schedule to provide recorded music be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 10 of 18
PROVISION OF PERFORMANCES OF DANCE
See guidance on regulated entertainment
Will the schedule to provide performances of dance be subject to change if this application to vary is successful?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 11 of 18
PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE
See guidance on regulated entertainment

Continued from previous page...

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☐ Yes

☒ No

Section 14 of 18

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.

Provide 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.

Non

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 10:00

End 00:00

Start

End

Provide 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 10:00

End 00:00

Start

End

WEDNESDAY

Start 10:00

End 00:00

Start

End

Continued from previous page...

THURSDAY

Start 10:00

End 00:00

Start

End

FRIDAY

Start 10:00

End 00:30

Start

End

SATURDAY

Start 10:00

End 00:30

Start

End

SUNDAY

Start 10:00

End 00:00

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 above, list below.

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

New Years Eve - From end of permitted hours to end of permitted hours on New Years Day.

--

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

--

☐ I have enclosed the premises licence

☐ I have enclosed the relevant part of the premises licence

Continued from previous page...

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Original Premises License has been lost

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

The premises licence holder shall ensure that all Staff receive adequate and regular training on the promotion of the four licensing objectives; A record of the staff training will be kept at the premises and be available for inspection on request by any Responsible Authority.

b) The prevention of crime and disorder

1. Customers shall not be permitted to carry open bottles or glasses beyond the licensed area.
2. CCTV shall be installed at the premises to the satisfaction of Birmingham Central Police Licensing Department. The CCTV shall be maintained and recording at all times when the premises are open for the purposes of licensable activities. Recordings shall be kept for a minimum period of 31 days and CCTV images shall be made available to any Responsible Authority immediately on request.
3. Staff will be given on-going training including identification of anti-social or unusual behavior.
4. An incident register shall be maintained at the premises and made available at all times for inspection by any Responsible Authority.

c) Public safety

5. Adequate lighting will be provided to all internal and external public areas to promote the public safety objective.

d) The prevention of public nuisance

6. Outside area will be used between 10:00hrs & 22:00hrs Monday to Sunday.
7. Only background music will be used in the outside areas up until 22:00hrs, Monday to Sunday.
8. There is a small area to the side of the garden terrace which is designated as a smoking area.
9. The disposal of empties and bottles shall not be done after 23:00 hours or before 07:00 hours.
10. Clear and legible notices shall be displayed at the exits requesting patrons to leave quietly.
11. The Premises licence holder shall ensure that noise emanating from the premises is monitored so as not to become a public nuisance.
12. The Premises Licence holder shall ensure that the external areas of the premises are monitored to prevent any anti-social behaviour and public nuisance caused by the premises .

e) The protection of children from harm

13. A Challenge 25 policy shall be in operation at the premises.

Continued from previous page...

14. Staff shall be trained in the operation of the age policy.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

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 18 of 18

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...

I/WE UNDERSTAND THAT 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.

☒ 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

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/change-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, 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.

OFFICE USE ONLY

Applicant reference number
Fee paid
Payment provider reference
ELMS Payment Reference
Payment status
Payment authorisation code
Payment authorisation date
Date and time submitted
Approval deadline
Error message
Is Digitally signed ☐

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 Next >

LICENSING
90 BOLDMERE
ROAD
SUTTON COLDFIELD
Scale 1:100

FIRE SAFETY STANDARDS

These and parasites reported to be the causative agents for its occurrence in the British Isles (1975) are associated.

Five existing doors required to ensure the passage of smaller animals under temperature conditions should, where noted in accordance with EN14184, section 3.2, EN12127 be fitted with rubber seal and movement displays a positive self-closing device.

The first three systems were installed to comply with the United Nations' ECE-102. The installation of the Europeanizing Equipment should be done as paragraph 3 (a) mentions are members of United Nations' ECE, Part 1, 2002. All Mitsubishi and Peugeot cars built after 2002 will be equipped with the new alarm system that has any installation of the fire alarm the device will fail only.

The temporary lighting installation is in compliance with British Standard BS5489, part 1, 1986. The intention of the Design/Building Engineer should be shown in paragraph 3.1 (note 2) and in accordance with British Standard BS5489, part 1, 1986 as amended.

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These public functions have strongly with interest Standard EN 5027 public-use devices equipped by a treatment box, and he worked above with expanding "Push Box To Open".

Fluoride toxicity studies and reviews are in conformance with WHO Standard 1990, Part 1, 1990.

Elaborated "EXIT" sign seen in southeast Florida border
246

Fire fighting equipment is in compliance with current standard EN 12853.

For watering, glazing more simply with 1/2" gauge to foot plastic, 2" dia. speculations and out of the residual glazing system. (Shaw and Glazing Performance 2001)

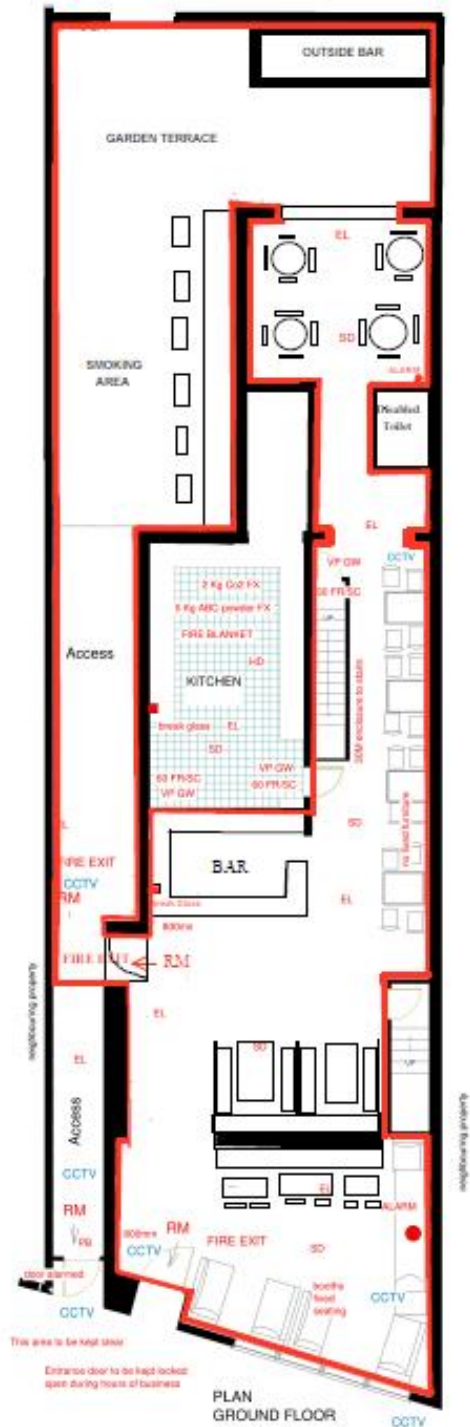
Information among teachers thus varies on a continuum. Swedish teachers' opinions on the use of CRI in English lessons is spread out in both Sweden (2012, 2018). Methods of use for Assessment of the Importance of Information Sharing by Understanding with Planning (AUS) are also spread out among teachers, with the above students this time. The results of the study show that the use of CRI in English lessons is spread out among teachers, with the above students this time. The results of the study show that the use of CRI in English lessons is spread out among teachers, with the above students this time.

is the only company to be accredited with Regulatory Warrant (Fire Safety) Grade 200 will be completed prior to the Foreman reporting to the public.

SF acoustics fastening
 FI fire barrier
 GD double detector
 PRISM structural integrity
 PRISM fire door 30 minutes resistance
 HD heat detector
 VA visual alarm sounder
 EL emergency lighting
 RM running man Ruckenstein name
 maintained fire call sign
 GW georgian wind glazed vision
 panel
 VP vision panel FR glass
 FX fire extinguisher
 1200mm clear escape width -
 doors stairs etc./S/C self closing
 FR FR one hour fire resisting door
 SD smoke detector
 CCTV provision to satisfaction of
 statutory authorities

Area for the sale and consumption of alcohol, the provision of regulated entertainment and late night refreshment

mailto:pluraw@men.com



LICENSING ACT 2003**PREMISES LICENCE****Premises Licence Number:**

4547 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Los Banditos Bar & Grill 90 Boldmere Road	
Post town: Sutton Coldfield	Post Code: B73 5UB
Telephone Number: Not Specified	

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence M3 Sale of alcohol by retail (both on & off the premises)
--

The times the licence authorises the carrying out of licensable activities			
Sunday - Thursday	10:00	-	23:30 M3
Friday & Saturday	10:00	-	00:00 M3
New Year's Eve - from end of permitted hours to end of permitted hours on New Year's Day			

The opening hours of the premises			
Sunday - Thursday	10:00	-	00:00
Friday & Saturday	10:00	-	00:30
New Year's Eve - from end of permitted hours to end of permitted hours on New Year's Day			

Where the licence authorises supplies of alcohol whether these are on and/or off supplies On and Off Supplies

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Los Banditos (Boldmere) Limited 90 Boldmere Road	
Post town: Sutton Coldfield	Post Code: B73 5UB
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 10138641
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Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Stephen Floyd	
Post town:	Post Code:
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number WS/PEL/1956	Issuing Authority WALSALL COUNCIL

Dated 20/07/2016

SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises— (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that— (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) “permitted price” is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No Adult Entertainment shall be held at the premises

The premises licence holder shall ensure that all Staff receive adequate and regular training on the promotion of the four licensing objectives; A record of the staff training will be kept at the premises and be available for inspection on request by any Responsible Authority.

2b) Conditions consistent with, and to promote the prevention of crime and disorder

Customers shall not be permitted to carry open bottles or glasses beyond the licensed area.

CCTV shall be installed at the premises to the satisfaction of Birmingham Central Police Licensing Department. The CCTV shall be maintained and recording at all times when the premises are open for the purposes of licensable activities. Recordings shall be kept for a minimum period of 31 days and CCTV images shall be made available to any Responsible Authority immediately on request.

Staff will be given on-going training including identification of anti-social or unusual behaviour

An incident register shall be maintained at the premises and made available at all times for inspection by any Responsible Authority.

2c) Conditions consistent with, and to promote, public safety

Adequate lighting will be provided to all internal and external public areas to promote the public safety objective.

2d) Conditions consistent with, and to promote the prevention of public nuisance

The disposal of empties and bottles shall not be done after 23:00 hours or before 07:00 hours.

Clear and legible notices shall be displayed at the exits requesting patrons to leave quietly.

The Premises licence holder shall ensure that noise emanating from the premises is monitored so as not to become a public nuisance

The Premises Licence holder shall ensure that the external areas of the premises are monitored to prevent any anti-social behaviour and public nuisance caused by the premises .

2e) Conditions consistent with, and to promote the protection of children from harm

A Challenge 25 policy shall be in operation at the premises.

Staff shall be trained in the operation of the age policy.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

3b) Committee conditions to promote the prevention of crime and disorder

N/A

3c) Committee conditions to promote public safety

N/A

3d) Committee conditions to promote the prevention of public nuisance

N/A

3e) Committee conditions to promote the protection of children from harm

N/A

**LICENSING
90 BOLDMERE
ROAD
SUTTON COLDFIELD
Scale 1:100
June 2016**

FIRE SAFETY STANDARDS

Drawn and published in accordance with the Fire Safety Regulations 2012 (FSR) and the Fire Safety Order 2012 (FSO).

For existing buildings required to meet the provisions of the FSR, the following standards apply:

- 1. Construction and materials of external walls, floors, roofs, etc. shall be in accordance with BS 5951, parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810,

From: Carl Cnariskmanagement
Sent: 30 September 2020 16:57
To: Jane Dunsford
Subject: Re: Los Banditos, 90 Boldmere Road

Hi Jane,

My client has seen the below proposed conditions:

1. Customers shall vacate the external garden terrace to the rear of the premises after 9pm Monday to Sunday.
2. The bi-folding doors to the rear of the premises leading on to the garden terrace shall be closed after 9pm.
3. After 9pm the side external terrace only shall be used for customers to smoke.

and is in agreement with them being placed on the premises license.

Regards

Carl
On 30/09/2020 12:51 Jane Dunsford wrote:

Dear Carl,

As discussed please see suggested conditions below, let me know your thoughts:

1. Customers shall vacate the external garden terrace to the rear of the premises after 9pm Monday to Sunday.
2. The bi-folding doors to the rear of the premises leading on to the garden terrace shall be closed after 9pm.
3. After 9pm the side external terrace only shall be used for customers to smoke.

Regards

Jane Dunsford
Environmental Protection Officer

