

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B

TUESDAY, 16 MAY 2023 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

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

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 DECLARATIONS OF INTERESTS

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

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

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

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

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

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3 - 30

4 **MINUTES**

To confirm and sign the Minutes of the meeting held on 18 January 2022 at 1000 hours.

To note the public part of the Minutes of the meeting held on 7 March 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the public part of the Minutes of the meeting held on 4 April 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

31 - 66

5 **LICENSING ACT 2003 PREMISES LICENCE – GRANT SELECT & SAVE, 393 SUMMER LANE, NEWTOWN, BIRMINGHAM, B19 3PL**

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

PRIVATE AGENDA

1 **MINUTES**

To note the private part of the Minutes of the meeting held on 7 March 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 4 April 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

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

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

Licensing Sub-Committee B – 18 January 2022**BIRMINGHAM CITY COUNCIL****LICENSING
SUB-COMMITTEE
TUESDAY 18 JANUARY 2022****MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE
A HELD ON TUESDAY 18 JANUARY 2022 AT 1000 HOURS AS AN
ON-LINE MEETING.**

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors Adam Higgs and Mary Locke.

ALSO PRESENT

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

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

1/180122 NOTICE OF RECORDING/WEBCAST

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

2/180122 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.

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- 3/180122 If it is a 'sensitive interest', Members do not have to disclose the nature of the interest, just that they have an interest.
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4/180122 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

Apologies were submitted on behalf of Councillor Mike Sharpe.
Councillor Mary Locke was the nominated substitute.

5/180122 **LICENSING ACT 2003 PREMISES LICENCE – GRANT MELT, 126 BILLESLEY LANE, MOSELEY, BIRMINGHAM, B13 9RD**

On Behalf of the Applicant

Mike Nixon – In Confidence Ltd. Agent on behalf of the applicant.
Lisa Dingley – Director
Philip Morgan – Partner of the Director

Those Making Representations

Fiona Adams – Moseley society
Amy Bradbury
Martin Mullaney
Anita Moore
Vernon King
Jas Gahir
Brian Lynch

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

The Chair then explained the hearing procedure prior to inviting the Licensing Officer, Bhapindra Nandhra, to outline the report.

The Chair invited the applicant to make their submission and Mike Nixon, on behalf of the applicant, made the following statements:-

- a) There was a legal presumption in favour of granting this licence. The Sub-Committee had been engaged due to the outstanding letters of representation from local residents. There were no objections from any of the responsible authorities.
- b) With reference to an email sent to the objectors on 30th December 2021, he stood by its content and was happy for it to be scrutinised for its accuracy and legality. The original purpose of the email was to invite residents to

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meet with them as was encouraged by the licensing process to address any concerns and manage expectations of objectors.

- c) There were limits to what could be achieved by a licensing hearing to satisfy any concerns of residents and it must not be confused with a planning application.
- d) Those who had responded to the email and had met with Ms Dingley had largely responded positively.
- e) He was grateful to one supporter who had written in who had contradicted many of the objections (page 34, appendix 24, of the agenda).
- f) The original application had been amended twice in response to concerns. Many residents were concerned only about the proposal to operate the restaurant after 8pm which would be in breach of planning. This operation was never intended as the property was subject to a planning application under consideration.
- g) As a goodwill gesture, Ms Dingley had instructed Mr Nixon to amend the application for the restaurant to cease trading at 8pm Monday-Saturday and 7pm Sundays and Bank Holidays which was consistent with the current planning approval for this site.
- h) The premises could operate perfectly legally as a restaurant with or without a license due to the planning permission. The question was over whether the restaurant would sell alcohol under the terms of a premises licence or whether customers be invited to bring their own alcohol. It was desirable for this premises to operate with the strict controls of a premises licence.
- i) The premises depended on the goodwill of local people and his client had asked him to create an application that would provide reassurance for anyone within the vicinity.
- j) If the conditions of the licence were broken the licence could be reviewed and revoked.
- k) Nothing other than the sale of alcohol was relevant at this hearing.
- l) The premises was not within a Cumulative Impact Area so it was not necessary to prove that the licence was necessary.
- m) The behaviour of people in the area or at other premises was not relevant.
- n) Car parking was not a relevant consideration as it was not a planning hearing, however, Ms Dingley anticipated that most customers would arrive by foot.
- o) The submitted application was fully consistent with the statement of licensing policy and the Section 182 guidance and reflected industry best practice.

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- p) The multiple conditions in the application along with the mandatory conditions met all the needs of the licencing objectives and were robust, measurable and enforceable.
- q) Each of the responsible authorities had scrutinised the application and concluded that any risks to the objectives had been fully met, this was when later hours had been proposed.

Lisa Dingley made the following statements:-

- a) The new venture aimed to bring relaxed family dining to the neighbourhood.
- b) Ms Dingley had lived in the area her whole life and lived two streets away from the premises.
- c) She had previously run a successful food business in the area. As such she could understand some of the concerns with bringing a licenced premises to the area. This was why the self-imposed licence conditions went beyond what was legally required.
- d) The property had stood vacant for many years, and whilst renovating the premises they had been met with a positive response from the local residents.
- e) They were happy to be able to offer jobs to local people.
- f) One of there neighbours how had concerns was an author, who, having met with Ms Dingley, asked if the restaurant may be able to host a book-signing event and this was exactly the kind of local event that the restaurant would like to host.
- g) They were community-minded local people who wanted to bring a neighbourhood café and restaurant to life.
- h) Birmingham has a long tradition of mixed-use commercial and residential properties existing together in harmony. The restaurant hoped to do this as it was hoped that the neighbours would become customers too.
- i) She was aware that one of the concerns was parking in the vicinity of the premises, however it was anticipate that the majority of their customers would live within walking distance. This was one of the reasons why the location was chosen.
- j) She would ensure that all staff had ample and adequate training to ensure that all licencing objectives were met and adhered to.
- k) She understood the responsibility of having an alcohol licence and took the matter seriously.

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Philip Morgan made the following statements:-

- a) It had become apparent that residents had concerns based on past experience regarding the planning and development of the property.
- b) It was recognised that there was a need to build relationships and trust. They were happy to do this which was why the premises hours applied for had been reduced. It was hoped that this would help ease concerns and build confidence in them.
- c) Having the licencing objectives was good for the business as well as the local area.
- d) The drinks menu would be small but curated to pair cheese with wine and craft beer.

Members were invited to ask questions and no questions were asked.

Fiona Adams, Moseley society, made the following statements:-

- a) Notice had been received that the applicant had agreed to reduce the requested licencing hours to fit in with those for which she had planning approval, however, it had been decided to maintain the objection as it was thought that this was an unsuitable location for a licenced restaurant.
- b) If the licence as requested was granted, they strongly advised Ms Dingley to await the consultation on low-traffic neighbourhoods, which could see Billesley lane blocked to through traffic, before investing more money in the premises
- c) They had always regarded 124 and 126 Billesley Lane as unsuitable for anything other than residential use.
- d) The owner of the property tried hard but unsuccessfully to get planning permission to open a fish and chip shop.
- e) Permission was eventually given for two retail shops, but it was questionable as to who would open a retail shop in this location. One Stop had taken over from all the previous retail businesses amidst the needs of the locality as a multi-purpose shop.
- f) It was only the relaxation of planning regulations by the current government to allow Flaming Burgers, and now Melt, to think of opening here.
- g) The most recent change of planning use classes and relaxation of rules about take-away food was in response to the crisis on the high-street brought about by the Covid-19 Pandemic. However, Billesley Lane was not a high street and the government should have restricted the relaxation of rules to high streets and not allowed it to be employed in residential areas.

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- h) The letters submitted by residents stressed the residential nature of the area. It was only the through traffic and speeding on Billesley lane that detracted from this and this problem was in the process of being addressed.
- i) It could be seen in the letter from the Planning Officer that the applicant would not automatically receive permission to extend their hours. The planning system had throughout regarded this as an address where residential amenity was paramount.
- j) It was hoped that the Sub-Committee would agree that this was not a suitable place for a licenced premises. If the applicant wished to go ahead and open an unlicenced food business trading until 8pm then they could do this, but one of the empty premises in Moseley and Kings Heath may be better for her to start her business.

Martin Mullaney made the following statements:-

- a) He welcomed that the premises had amended its hours as this was his major concern.
- b) He still had concerns that this would become a licenced premises and he knew from experience that in Moseley there had been restaurants that had become more like pubs and bars where food had become a minor part.
- c) He asked that if the licence was granted that there were conditions that drink had to be served with food to prevent it becoming a bar and restrictions on the use of the outside area for drinking alcohol as due to the food mainly being served in a windowless basement, many customers would end up in the frontage or rear garden.

Anita Moore made the following statements:-

- a) She had no objections to a café but she had concerns that having a licenced restaurant in the area could lead to it becoming a bar.
- b) It seemed small for a restaurant so she understood that there was a lot of profit to be made on alcohol when sitting and eating food.
- c) She would also not like people to be sat outside on Billesley Lane.

Brian Lynch made the following statement:-

- a) In January 2019 the owner of the property was shown to have extended the frontage by approximately 300mm forward of the other properties. They were asked to address this, but this was not done.

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Vernon King made the following statements:-

- a) It was a residential area and there had been ongoing issues in Moseley Village regarding drink and it was very probable that there would be similar issues in this area.
- b) He echoed the request for a condition that alcohol only be served with food.
- c) He asked as to whether there would be any comeback if there were issues following the granting of a licence.
- d) There was the potential for people to be drinking when children were coming out of school and would be in the area.

Amy Bradbury made the following statements:-

- a) She and her family were concerned about noise, disturbance and people drinking alcohol outside the premises in full view of children.
- b) If the licence was granted this would be an ongoing issue for the whole time the premises was open.
- c) People lived in the area because it was quiet.
- d) The only time the local community had been involved was when they had received a letter. The people who owned the property had not been involved in asking residents their opinions until they were invited to meet with Ms Dingley.

Jas Gahir made the following statements:-

- a) His main concern was noise from cars and people entering and exiting.
- b) There were concerns about the consequences of alcohol consumption such as louder conversations and smoking.
- c) There were concerns about the heightened number of people in the area as it was a quiet residential area.
- d) There were a lot of young families in the area and families on walks may be confronted with conversation that may be inappropriate or a heightened number of people making the environment more uncomfortable.
- e) There were concerns about waste, particularly bottles and glass which would have to be transported in and out of the building.
- f) There were also concerns about disruptive deliveries.

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Members were invited to ask questions and no questions were asked.

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

Jas Gahir made the following closing statements:-

- This was a quiet residential area.
- There were pubs and drinking establishments in the area and another one was not needed.

Amy Bradbury made the following closing statement:-

- She would be grateful if the application would be rejected.

Vernon King made the following closing statement:-

- There were ample restaurants and pubs within easy walk of people in the area.

Brian Lynch made the following closing statement:-

- The extension to the forecourt had an impact on the houses opposite.

Anita Moore made the following closing statement:-

- The noise associated with alcohol and the delivery thereof was a concern.

Martin Mullaney made the following closing statement:-

- If the Sub-Committee were minded to approve it was requested that there be conditions controlling the use of the forecourt which was immediately next to residential houses and conditions that could prevent the premises being turned into a bar which had happened with restaurants in Moseley such as conditions that say alcohol could only be served with food.

Mike Nixon made the following closing statements:-

- Residents should welcome a restaurant that had conditions over the sale of alcohol rather than one with a 'bring your own' policy.
- Every concern raised had been addressed by the 57 conditions including one that would stop the premises becoming a bar that said the sale of alcohol should primarily be to compliment the provision of food. This was a standard condition for any restaurant. It was measurable and enforceable.
- The application had attracted no opposition from the Council's own responsible authorities, including the Environmental Protection Team, that dealt with all matters to do with public nuisance, Trading Standards, Public Health, the Fire Officer, Children's Services and the Licensing Authority.
- Extra conditions had been agreed with the police and the planning objection was withdrawn when the hours were reduced to align with planning approval.
- They respected the right of interested parties to raise concerns, but they had to be relevant concerns under licensing law. The Section 182 Guidance stated that a valid representation must be about the likely impact of the application on the licensing objectives and it was for an objector to provide this evidence of risks to the objectives that had been missed by the responsible authorities.

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- The Sub-Committee could grant the application but add or amend condition. The response had to be proportionate and necessary to promote the licensing objectives. It also needed to be evidence based and he did not believe that evidence had been heard to affect the grant of the application.
- The team could not be judged until they had begun operating at the premises.

Lisa Dingley made the following closing statements:-

- They had not yet been given the opportunity to prove what they wanted to be as they were not yet trading.
- She took the business seriously and it was important to her.

6/180122

RESOLVED

That the application by Moseley Food and Drink Ltd for a premises licence in respect of Melt, 126 Billesley Lane, Moseley, Birmingham B13 9RD be granted with conditions.

The hours shall be as follows:

- Opening hours
0900 – 2000hrs Monday to Saturday
0900 – 1900hrs Sunday and Bank Holidays
- Hours for the sale by retail of alcohol
0900 – 2000hrs Monday to Saturday (off sales)
0900 – 1930hrs Monday to Saturday (on sales)
0900 – 1830hrs Sunday and Bank Holidays

The Sub-Committee noted that the applicant company wished to reduce the hours for licensable activities to follow the 2014 planning condition attached to planning permission 2014/03677/PA. This condition reads as follows:

- “Limits the hours of use: 0800-2000 hours Mondays to Saturdays, and 0800-1900 hours Sundays and Bank Holidays”

The Sub-Committee also adopted all the conditions agreed in advance of the meeting between the applicant company and West Midlands Police, namely:

1. Staff involved in the sale of alcohol are to be trained under the Licensing Act 2003 prior to being allowed to sell/ supply alcohol. All training is to be documented and signed by the Premises License Holder and the trainee. All training records are to be made available to any of the responsible authorities on request.
2. If the CCTV hard drive is replaced the old system will be kept on the premises for 31 days and made available to any of the responsible authorities on request. The CCTV system will be checked daily prior to licensable activity taking place. The identity of the person making the check and the result will be recorded in a log which will be kept for 12 months and made available to any of the responsible authorities on request.
3. Staff involved in the sale/supply of alcohol are to receive documented refresher training every six months.
4. Contracts with third party delivery companies are to be on-site and are to be made available to any of the responsible authorities on request.

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5. The Premises License Holder is to have a documented alcohol policy to indicate that all third party delivery companies have trained their staff under the Licensing Act 2003.
6. Prior to working, any third party delivery company must sign and date the Alcohol Policy to indicate their agreement to be bound by it.
7. The Alcohol Policy is to be made available to any of the responsible authorities on request.
8. Details of every delivery of alcohol is to be recorded including the identity of who it was delivered to and the identity of the deliverer. This data is to be made available to any of the responsible authorities within twenty-four hours of it being requested.
9. The training document used by any third party involved in delivery detailing Licensing Act 2003 training is to be signed off by the Premises License Holder to show that it satisfies their training requirements for the promotion of the Licensing Objectives.
10. The company will operate Challenge 25 whereby all orders of restricted items (alcohol), where the address and name will be verified prior to the acceptance of such order.
11. The premises License Holder is to have a documented policy in relation to how age restricted products are sold on-line and the checks that are to be made. This policy is to be made available to any of the responsible authorities on request.
12. Any refusal of supply at the point of delivery is to be documented in the Premises License Holder's refusals log.
13. Age restricted orders (alcohol), will only be sent to the address given when the order was placed and will not be left on the doorstep.
14. The premises will maintain a refusals and incident register. This will be made available to any of the responsible authorities on request.
15. If deliveries are made by in-house staff age verification checks will be carried out on and the products only delivered to the person ordering the products. Deliveries will be signed for. The company will keep copies of the deliveries and these will be made available to any of the responsible authorities on request.
16. All delivery drivers waiting for deliveries will wait inside the premises. Delivery drivers will not be permitted to smoke in the immediate vicinity of the premises. Delivery drivers will not be permitted to congregate in the immediate vicinity of the premises. Delivery drivers will be instructed not to loiter in the vicinity of residential premises.
17. The premises will not use the outside area for licensable activity after 2200 hours on any day the premises is open for licensable activity other than for persons to smoke provided they do not take either drink or food outside with them.

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 company was represented in the meeting by an agent, and the company director and her partner also attended. West Midlands Police had approved the application with the addition of some conditions. The premises would offer relaxed family dining with a menu based around melted cheese dishes, wine and craft beers. The applicant company wanted to bring the area to life and to live in harmony with neighbours. The director and her partner said that they were keen to build relations and trust. They saw the licensing objectives as good for their business as well as the local area.

The Sub-Committee noted that the applicant company had dramatically reduced the hours requested, bringing them into line with the hours imposed under the Planning condition. Despite this, many of those making representations (local residents) had

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maintained their objections, and several of them attended the meeting to address the Sub-Committee in person.

Members carefully considered the representations made by local residents but were not convinced that there was an evidential and causal link between the issues raised and the effect on the licensing objectives. One resident stated that she was maintaining her objection despite the reduced hours because she felt that it was an unsuitable location; this person felt that the premises should be a residential property as the area was predominantly residential. She was also not happy that the application had been made before the outcome of a consultation on a low traffic neighbourhood for the area had been published.

Other residents feared that the premises could become a bar rather than a food-led restaurant establishment, and some made submissions about the potential for public nuisance, and disturbance to residents, arising from the operation. However, the Sub-Committee considered that this was rather speculative, and noted that in any event the amended hours made the premises more of a 'daytime' venue. The application had been acceptable to West Midlands Police; no representations had been received from any of the other responsible authorities. The Sub-Committee noted in particular that despite suggestions from residents of a potential for public nuisance arising from the proposed operation, no representations had been made by the Environmental Health department of the City Council.

The Sub-Committee considered that the applicant company had submitted a suitable application with a number of robust conditions to ensure that the operation would be capable of upholding the licensing objectives. The Members agreed with the agent for the applicant company that it was important to keep matters in perspective; the amended application was for the offer of alcohol with food, in the daytime.

It appeared to the Sub-Committee that some of those objecting seemed to be unhappy at the prospect of the premises operating at all, but as the agent put it, the meeting was to consider the grant of a licence, and not "to debate the premises' existence". As the applicant company's agent observed, it was far more desirable for any premises to trade under the strict controls of a licence, than for patrons to bring their own alcohol. The Sub-Committee noted the comments of the Director and her partner regarding their plan to make the business fit in well with the local community.

Having deliberated the amended operating schedule put forward by the applicant, and the likely impact of the application, the Sub-Committee concluded that by granting this application, the licensing objectives contained in the Act will be properly promoted.

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 agent for the applicant company, and by those making representations.

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

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B 7 MARCH 2023

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 7 MARCH 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors Saddak Miah and Adam Higgs.

ALSO PRESENT

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

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

1/070323

NOTICE OF RECORDING/WEBCAST

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2/070323

DECLARATION OF INTERESTS

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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/070323 No apologies were submitted.

MINUTES

4/070323 The public part of the minutes of the meetings held on 16th January 2023 at 1000 hours and 24 January 2023 at 1000 hours and 1200 hours, 31 January 2023 at 1000 hours were noted and the Minutes as a whole were confirmed and signed by the Chair.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – MORRISONS STORE AND PETROL FILLING STATION, 280 COVENTRY ROAD, BORDESLEY GREEN, BIRMINGHAM, B10 0XA.

On Behalf of the Applicant

Richard Taylor – Representative
Lee Farguhar – Store Manager

On Behalf of the Premises Licence Holder

No one making representations attended the meeting.

* * *

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 David Kennedy to present his report. David Kennedy, Licensing Section, outlined the report.

Then the Chair invited the applicant to make their submission and Richard Taylor, on behalf of the applicant made the following statements: -

- a) That the application for the new licence is identical to the existing licence, the only difference is the plan which will allow alcohol to be sold from the petrol station as well as the store.
- b) The store operates without issues this is just an extension of the licensable area.
- c) There is full digital CCTV with 28 days retention, the counter is screened with panic buttons with a link to the main store.

- d) Only personal licence holders are only allowed to sell alcohol in the petrol station.
- e) All staff are trained and the operate a challenge 25 policy with till prompts on restricted products.
- f) All high value products are behind the counter.
- g) They have a limited display of alcohol.
- h) The store trades without issues.
- i) There are no responsible authority objections.
- j) The only objection is from residents who are concerned about a 24 hour licence and the negative impact, but there is no evidence that the licence already causes issues. There is no change in the hours, just the plan.

Lee Farquhar added that the store operates without issues and WMP had no concerns.

Richard Taylor, on behalf of the applicant was invited to make his closing submissions: -

1. That the Home Office guidance is clear that decision should be evidenced based, but the evidence is that the operator is good, the store has no issues or complaints
2. There are no responsible authority objections.
3. He invited the grant of the licence.

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

5/060323

RESOLVED:-

That the application by Wm Morrison Supermarkets Ltd for a premises licence in respect of Morrisons Store & Petrol Filling Station, 280 Coventry Road, Bordesley Green, Birmingham, B10 0XA be granted as requested. Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will form part of the licence issued.

The applicant company was represented at the meeting by its solicitor. The operations manager of the store also attended. The solicitor addressed the Sub-Committee and explained that the applicant company was a highly experienced national supermarket retailer; he remarked that the instant matter was the 137th such application made by the company.

He confirmed that the application was for a new licence for the petrol filling station, in identical terms to the existing licence (covering trading at the main Morrisons store in Coventry Road), such that both the hours and the conditions would be the same. The only difference would be the Plan of the premises, and the effect of the application, if granted, would be to allow alcohol to be sold from the petrol filling station as well as from the main store.

The store itself had been trading with no problems at all. The solicitor reiterated that the conditions that the applicant company had offered were the same conditions, and the hours were the same hours, as at the main store; the request was therefore simply to extend the licensed area to include the petrol filling station.

Regarding the petrol filling station itself, it already had full digital CCTV; a condition on the existing licence already required that the premises be covered by CCTV. Images were retained for 28 days, and the system was of a standard acceptable to West Midlands Police. The counter was already screened, and there was a panic button with a direct link to the main store. All staff whose jobs involved alcohol sales within the petrol filling station would be personal licence holders.

The applicant company did not permit single manning of those of its petrol filling stations which offered alcohol, and all staff had been fully trained. The store operated a 'Challenge 25' policy. There were two till prompts on sales of all age-restricted products, and also an electronic refusals log.

The applicant company used a system of independent test purchasing, sending an independent company out to ensure that challenges were made where they should be made. All spirits and high value alcohol products in the petrol filling station would be displayed behind the counter. No single cans of alcohol would be sold, and Wm Morrison Supermarkets Ltd did not sell the typical strong white cider which was known to appeal to street drinkers. The solicitor assured the Sub-Committee that in terms of alcohol, there would be "a very limited display", and patrons would only be purchasing "a bottle of wine, a four pack of beers" in addition to their groceries. The intention was not to offer large quantities of alcohol in the petrol filling station, but simply to extend the area for alcohol sales to include the shop on the forecourt, which operated as a convenience store.

The solicitor reminded the Sub-Committee that the main store had been trading without any problem at all. The company was regularly in contact with West Midlands Police as and when the need arose, and the solicitor observed that the police had not objected to the application - nor indeed had any of the responsible authorities. The sole objection received had been from a single local resident, who had correctly said that the company had applied for 24 hour licence, but as the solicitor pointed out, the company already had a 24 hour licence to

cover alcohol sales at the main store, and had been trading under that licence without any issues.

The local resident was concerned about the negative impact that the grant of a licence for the petrol filling station might have. However, the solicitor reminded the Sub-Committee that there was no evidence that the existing 24 hour licence at the main store had caused any difficulty whatsoever. Whilst the objector had concerns, those concerns were not shared by the police, or indeed any of the responsible authorities, who were the experts in terms of the promotion of the licensing objectives.

The solicitor assured the Sub-Committee that “nothing was going to change in real terms”. The application was for a 24 hour licence. The store currently traded until 22.00 hours (16.00 hours on Sundays); the petrol filling station traded an hour longer in the week, namely until 23.00, and until 22.00 on Sundays. The company did not intend to change the trading hours immediately, but wished to retain flexibility in order to use it for busy trading times, such as the run up to Christmas.

The operations manager of the main store, who had been based at the site for several years, also addressed the Sub-Committee to confirm what the solicitor had said, namely that the store operated very well and that local police had raised no concerns. He added that the main store saw very low levels of activity in regards to potential problems such as street drinking. The Sub-Committee agreed that it was unlikely that there would be any adverse effect on the licensing objectives given that the main store had been trading safely.

In concluding the company's submissions, the solicitor directed the Members' attention to the Guidance issued under s182, which required that decisions should be evidence based, per *R (on the application of Daniel Thwaites plc) v Wirral Borough Magistrates' Court [2008] EWHC 838 (Admin)*, which emphasised the principles laid down by the Licensing Act 2003 - namely that there should be “light touch bureaucracy” applied to applications for premises licenses, and that restriction should only be attached to premises licence if necessary to promote the licensing objectives, and be made on evidence, not based on speculation.

The solicitor remarked that the evidence in front of the Sub-Committee was of a good operator which had policies and procedures in place to ensure that there would be no problems; there was no evidence whatsoever that Wm Morrison Supermarkets Ltd did anything other than sell alcohol wholly responsibly. The request was that Morrisons should be allowed to sell the odd bottle of wine alongside other groceries at a petrol filling station; the solicitor asked the Members to reflect on whether that would cause any undermining whatsoever of the licensing objectives.

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 carefully considered the written representations made by a local resident, which were included in the Committee Report, but did not find that there was an overwhelming evidential and causal link between the issues raised and the effect on the licensing objectives. The Members found the representations to be rather speculative, as they had not taken into account the applicant company's history of safe trading at the main store. The company had a proven track record of upholding the licensing objectives in Bordesley Green. The Members noted that the local resident did not attend the meeting, and therefore the Members did not have the opportunity to ask questions of that person.

When deliberating, the Members agreed with the remarks of the company's solicitor, namely that the application could safely be granted as requested. The application had been uncontroversial, with no objection from West Midlands Police, or from any of the other responsible authorities. The applicant company had put forward an operating schedule which properly addressed the promotion of the licensing objectives. Moreover, the company was an experienced national supermarket retailer with branches across the country. All in all, the application inspired confidence.

Members considered that the applicant company 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 company and the operating schedule were suitable. The application was therefore granted as requested.

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 company via its solicitor.

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.

EXCLUSION OF THE PUBLIC

5/070323

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.

CHAIR.....

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE B 4 APRIL 2023</p>
--

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

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors Sam Forsyth and Saddak Miah.

ALSO PRESENT

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

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

1/040423 **NOTICE OF RECORDING/WEBCAST**

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

2/040423 **DECLARATION OF INTERESTS**

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

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

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

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

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/040423 Apologies were submitted on behalf of Councillor Adam Higgs and Councillor Diane Donaldson was the nominated substitute Member.

**LICENSING ACT 2003 AS AMENDED BY THE VIOLENT CRIME REDUCTION
ACT 2006 – APPLICATION FOR EXPEDITED REVIEW OF PREMISES
LICENCE: CONSIDERATION OF INTERIM STEPS – FRANCY, 348 SOHO
ROAD, HANDSWORTH, B21 (HOLYHEAD WARD)**

On Behalf of the Applicant

Mark Swallow – WMP (West Midlands Police)
Huram Taj – WMP

On Behalf of the Premises Licence Holder

Adriana Camelia Pessea – PLH (Premises Licence Holder)
Ana-Marie Pessea – Daughter (helping translate, Romanian)

* * *

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

Mark Swallow, on behalf of WMP advised that he wished to show CCTV footage of the incident that led to the application for Expedited Review and requested that it be held in private due to the on-going criminal investigation.

The PLH did not object to it being held in private.

After a short adjournment to consider the request the Chair advised that the whole meeting would be held in private to ensure fairness to all parties due to the on-going investigation.

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

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

EXCLUSION OF THE PUBLIC

4/040423 **RESOLVED:-**

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

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

5/040423 **RESOLVED:-**

That having considered the application made and certificate issued by a Superintendent of West Midlands Police under Section 53A of the Licensing Act 2003 for an expedited review of the premises licence held by Adriana Camelia Pessea in respect of Francy, 348 Soho Road, Handsworth, Birmingham B21 9QL, this Sub-Committee hereby determines:

-
- that the licence be suspended, and
 - that Adriana Camelia Pessea be removed as the Designated Premises Supervisor
-

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

The Sub-Committee's reasons for imposing the two interim steps are due to the concerns which were expressed by West Midlands Police in relation to matters pertaining to serious crime and/or serious disorder, which had come to light as outlined in the Superintendent's certificate and application.

The Sub-Committee determined that the cause of the serious crime and/or serious disorder originated from a style of management which had been incapable of upholding the licensing objectives. The style of management was the responsibility of Adriana Camelia Pessea as premises licence holder of Francy, a restaurant licensed for 'on' sales of alcohol ancillary to the purchase of a meal (licence number 11570). Adriana Camelia Pessea was also the person named on the licence as the designated premises supervisor.

The licence holder attended the meeting accompanied by her adult daughter. The daughter stated that the reason that she had accompanied the licence holder was to "act as interpreter" for the licence holder due to language difficulties.

The meeting was conducted in private session after the Sub-Committee considered an application made by West Midlands Police under regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005. The Police explained that to view the CCTV evidence in public would undermine an ongoing criminal investigation. The Police therefore asked for the Sub-Committee to go into private session for the playing of the CCTV evidence, although the rest of the evidence could be heard in public.

The premises licence holder was asked for her views and stated that she did not mind whether the meeting was conducted in public or in private. However, the Sub-Committee considered that the best course was to hear all of the evidence in private session. This was to ensure fairness to all parties, and to ensure that the licence holder was able to properly address the Police submissions without the need to avoid mentioning those parts of the evidence shown in private.

The meeting therefore went into private session and Members heard the submissions of West Midlands Police, namely that the certificate, which had been issued by a Superintendent under s53A(1)(b) of the Act, related to an allegation of serious crime and/or serious disorder which was said to have happened at the premises. It was the advice of the Police that a complete absence of management control had led to the incident.

The Police summarised the investigation thus far – exactly as detailed in the Report. It was the advice of the Police that interim steps were required in order to deal with the causes of the serious crime and/or serious disorder. A criminal investigation was under way.

At 00.07 hours on Sunday 26th March 2023, the premises had been open and conducting licensable activities. However, the Police observed that under the terms of the premises licence, the authorised time for licensable activities was only until 23.00 hours; indeed the closing time was 23.30 hours.

At 00.07 hours, a person or persons had entered the premises with a weapon(s). A disorder then ensued inside the premises, in which those who had entered began to attack patrons using their weapons. Patrons then fought back, using bottles and other items as weapons. A number of people were hit with a weapon and as a result sustained lacerations and stab wounds. Police officers who had been in the vicinity were flagged down by concerned passers-by, and attended the scene.

CCTV from inside the premises was played twice to the Sub-Committee. The Police observed that the Francy premises was conducting licensable activities beyond the time when it was supposed to cease. The CCTV showed alcohol being served to persons at a time beyond the terminal hour. Moreover, these sales of alcohol were not ancillary to the service of meals (as required by the licence conditions). Persons could be seen on CCTV to be vertically drinking, contrary to

the operating conditions. The Members observed that some patrons were even dancing, suggesting that recorded music was being played, which was a further breach.

The incident had been the subject of three crime reports for wounding, per s18 of the Offences Against The Person Act 1861. The Police reminded the Sub-Committee that such offences are serious crimes which on conviction attract a maximum sentence of life imprisonment. A fourth person had reported a head injury. The incident was an ongoing enquiry, and the Police considered that there could be more reports of injuries.

The Police stated that they had serious concerns regarding the promotion of the licensing objectives at the premises; in particular, they had no confidence in the management of the premises. The CCTV had clearly shown that the licence holder had carried on licensable activity beyond the hour that it should have ceased – drinks were shown being served at 23.14, when alcohol sales were required to end at 23.00. Furthermore, alcohol was being served whilst not ancillary to a meal, and vertical drinking could be seen taking place. The Police took a very dim view of the style of management shown on the night in question.

The Police remarked that their lack of confidence in the Francy management had been compounded by the fact that the premises licence had only been in place for approximately six months, yet such a serious incident had occurred within a short time of the grant of the licence; furthermore, the incident would not have happened had the operating conditions of the premises licence been followed.

Overall, the Police had no confidence whatsoever in the premises' ability to uphold the licensing objectives. It was the Police's recommendation that the incident had been so serious, and the risk to the upholding of the licensing objectives so grave, that the premises licence should be suspended, and the Designated Premises Supervisor removed, to prevent a risk of further serious crime and/or disorder pending the hearing of the summary review in 28 days' time. The Police confirmed that in the meantime they would work with the premises licence holder.

The Sub-Committee then heard from the licence holder, via her adult daughter. The licence holder accepted that she had been in the wrong to permit alcohol sales beyond 23.00; she explained that this had been due to a delay in serving the drinks orders. She confirmed that she did encourage patrons to leave at the closing time of 23.30. Regarding the patrons shown on CCTV to be dancing, she accepted that they had been dancing to recorded music after 23.00, which was not permitted under the premises licence, but observed that this was a cultural practice within the Romanian community, and that "people were just having fun".

Members were concerned that the licence holder was unable to speak English, yet was responsible for upholding the licensing objectives in Birmingham. The daughter confirmed that the licence holder understood English “to a minimal extent”.

Members asked if the licence holder had been present for the incident. She stated that she had gone to smoke, and “out of fear she did not go back in”. When asked if, at any stage, anyone from the premises had telephoned the Police, she replied that there had been no time to do this, and that “the intruders” (as she called them) had left once the Police arrived. These persons had not been patrons. She also described them as “outsiders”.

Whilst accepting that she had been in the wrong for allowing the sale of alcohol after the permitted hour, and apologising for this, the licence holder remarked that it had been the first instance of poor management; she therefore felt that a warning would suffice.

Regarding the violence seen on CCTV, the licence holder’s opinion was that this was not connected to her decision to breach the conditions of the licence. Whilst she accepted that she had been in the wrong, she felt that the incident had been caused by the persons who had entered. She repeated that she felt that a warning was the appropriate sanction.

Having heard all of the evidence, the Members were not confident that Adriana Camelia Pesea understood her responsibilities as either licence holder or designated premises supervisor; nor was she taking proper management control of the premises. It rather appeared that those at the premises had little intention of upholding the licensing objectives – the trading “after hours” had demonstrated this.

The Sub-Committee agreed with the Police that it was not possible to have any trust in the management of the operation, and in particular agreed that the incident would not have happened at all if the premises had been observing the conditions of the licence. The Members looked askance at the licence holder’s suggestion that the violence had not been connected with the breaches of condition; it was obvious that the decision to trade after the terminal hour had been the cause.

In deliberating, the Sub-Committee determined that there had been an allegation of serious crime and/or serious disorder, which was being investigated by Police. It was abundantly clear that the operation was not being run in accordance with the licensing objectives – even leaving aside the serious crime incident of the wounding/ grievous bodily harm offences, the Sub-Committee looked askance at the breaches of the conditions of the licence (trading beyond permitted hours, selling alcohol beyond the permitted time and not ancillary to meals, and offering regulated entertainment), all of which were serious matters. Regarding the sale of alcohol, the Members observed that the CCTV had shown that there was no sign of any food service

whatsoever. It therefore appeared that the sale of alcohol had definitely not been 'ancillary to meals'.

The Sub-Committee was also appalled that a weapon(s) had been brought into any restaurant at a time when the premises should have been closed to customers with nobody able to enter. This was not at all the standard expected of premises licence holders in Birmingham. The Police had only been alerted by passers-by, who brought the disorder to the attention of officers in the area; nobody from the premises had telephoned the Police.

The licence holder's language difficulties were also a worry to the Sub-Committee; in these circumstances any capable licence holder should have been aware that the responsible course was to employ suitable persons, capable of speaking English, to manage the premises for her, and not take on the role herself.

All in all, it had been a very serious and dangerous incident, and the licence holder's style of operation was a clear risk to the safety of the public in Birmingham. The Sub-Committee noted that the Police had advised that they had no confidence that the operation could uphold the licensing objectives, and that a criminal investigation was ongoing. They had recommended that the Sub-Committee ought to impose two interim steps – to suspend the licence and remove the Designated Premises Supervisor, pending the full Review hearing.

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

The Sub-Committee also determined that the removal of the designated premises supervisor, as recommended by the Police, was also a very important safety feature, given that it was this individual who was responsible for the day to day running of the premises.

The Sub-Committee did consider whether it could impose alternative interim steps, but considered that this would offer little to address the real issue, which was the management failings which had led to an allegation of serious crime and/or serious disorder; these failings were a significant risk to the upholding of the licensing objectives in Birmingham. Public safety was of paramount importance.

In reaching this decision, the Sub-Committee has given due consideration to the application made and certificate issued by a Superintendent of West Midlands Police, the City Council's Statement of Licensing Policy, the Guidance issued by the Home Office under s182 of the Act, the written submissions made, and the submissions made at the hearing by West Midlands Police, and by the licence holder via her adult daughter acting as interpreter.

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

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

Please note the meeting ended at 1132 hours.

CHAIR.....

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Tuesday 16th May 2023
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Select & Save, 393 Summer Lane, Newtown, Birmingham, B19 3PL
Ward affected:	Newtown
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption off the premises) to operate from 07:00am until 12:00midnight (Monday to Sunday).

Premises to remain open to the public from 07:00am until 12:00midnight (Monday to Sunday).

2. Recommendation:

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

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

3. Brief Summary of Report:

An application for a Premises Licence was received on 29th March 2023 in respect of Select & Save, 393 Summer Lane, Newtown, Birmingham, B19 3PL.

Representations have been received from West Midlands Police and Birmingham City Council Licensing Enforcement, as responsible authorities.

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>Ajay Chumber applied on 29th March 2023 for the grant of a Premises Licence for Select & Save, 393 Summer Lane, Newtown, Birmingham, B19 3PL.</p> <p>Representations have been received from West Midlands Police and Birmingham City Council Licensing Enforcement as responsible authorities, which are attached at Appendices 1 and 2 respectively.</p> <p>The application is attached at Appendix 3.</p> <p>Site Location Plans at Appendix 4.</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>Copies of the representations as detailed in Appendices 1 and 2 Application Form, Appendix 3 Site Location Plans, Appendix 4</p>
<p>7. Options available</p> <p>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.</p>

From: Mark Swallow

Sent: 26 April 2023 11:42

To: Licensing

Cc: 'Optimised Training Centre'

Subject: Grant Application - Select & Save, 393 Summer Lane, Birmingham, B19 3PL

Good Morning Licensing,

I am in receipt of an application for a premises license and appointment of a Designated Premises Supervisor for a premises Select & Save, 393, Summer Lane. Hockley, Birmingham. B19 3PL. This premises was previously Premier and on 31st January 2023 the premises were subject to a review procedure whereby the premises license was revoked and the Designated Premises Supervisor was removed, this was as a result of enquiries revealing staff at the premises had purchased stolen items.

On 29th March 2023 I received an application for a premises license for Select & Save. 393, Summer Lane. I have made contact with the applicant and requested documentation to show that they had purchased the business from the previous owners to ensure that the previous owners had nothing to do with the business now. To date I have only received a lease and an agreement to an operating condition that the previous persons would have nothing to do with the business now. A lease is only the right to property and as such does not show that the new applicant has no link to the previous personnel. Despite numerous reminders nothing further has been forthcoming.

West Midlands Police would therefore wish to object to the granting of this premises license, to promote the licensing objectives, in particular to prevent crime and disorder. Should appropriate documentation be forthcoming West Midlands Police would withdraw this objection and agree to the issue of the license with the conditions added that have been agreed with the applicant. I have copied the applicants representative into this email.

Mark Swallow.

West Midlands Police.

Birmingham Central Licensing Team.

WITNESS STATEMENT

Crime No.

URN

Statement of Mark Swallow

Age if under 18 Over 18 (if over 18 insert "over 18")

Occupation Police Licensing Officer 60264.

This statement (consisting of two page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: M.SWALLOW. (witness)

Date 2.05.23

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Licensing Officer 60264 Mark Swallow of the West Midlands Police currently stationed at Lloyd House Police Station. I am part of a team of officers that deal with all matters in relation to the Licensing Act 2003 in the Birmingham City Council administrative area.

Part of this role involves the scrutiny of all new applications for premises licenses and the placing of operating conditions on these applications and the raising of objections to them if the application does not promote the Licensing Objectives.

One such application was received on 29th March 2023 applying for a premises license for the premises Select & Save, 393 Summer Lane, Birmingham, B19 3PL. On 30th March 2023 I emailed the agent for the applicant exhibit number reference number MS1 along with a reminder email on 17th April 2023 asking for documentation in order to carry out due diligence checks to ensure that the licensing objectives were being promoted. I have requested this documentation to ensure that previous persons involved with the premises which were closed as a result of review proceedings were not involved in the premises now.

Although a condition has been agreed to as part of other agreed conditions exhibit number reference number MS2 stating persons previously involved in the running of the business will not be involved in the running of it now I have requested documentation from the applicant to show that the business has changed hands and that the previous persons running the business had no part in the running of the new business. A lease exhibit number reference number MS3 has been provided, but no other documentation and this only shows permission to use the premises not ownership of the business. I have requested the documentation to show transfer of the business. To date this has not been provided despite numerous reminders by telephone. West Midlands Police are therefore not happy that the persons previously involved in the running of this business will not be involved in the running of the business again if the license were to be granted.

From: Optimised Training Centre
Sent: 06 April 2023 13:35
To: Mark Swallow
Subject: [External]: Re: Select & Save, 393 Summer Lane, Birmingham, B19 3PL

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

Hi Mark,

I have spoken to the applicant and they are happy to accept all the conditions proposed.

Kind regards
Mij

On 30/03/2023 09:32 AM, Mark Swallow wrote:
Mij,

Reference the above could you please send to me the below documentation to show the transfer of the premises to your client.

The lease for the premises, The transfer of the business document, The payment for the transfer of the business

The document stating who is responsible for paying the business rates for the premises.

The document stating who is responsible for the utilities at the premises.

Attached are proposed conditions for the business to promote the licensing objectives if you could discuss them with your client please. If you could also forward me his personal license number as well please.

Mark Swallow.
West Midlands Police.
Birmingham Central Licensing Team

From: Optimised Training Centre
Sent: 14 April 2023 15:32
To: Mark Swallow
Subject: [External]: Re: Select & Save, 393 Summer Lane, Birmingham, B19 3PL

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

Dear Mark

Please find attached the lease that has been provided by the applicant.

Kind regards
Mij

TENANT

SIGNED and executed as a Deed:

AJAY CHUMBER

SIGNED and executed as a Deed:

AJAY CHUMBER

SIGNED:

Director:

Name:

Director/Secretary:

Name:

SIGNED AS WITNESS

Name:

Address:

Signature:

LANDLORD

SIGNED and executed as a Deed:

Signed:

1) Director:

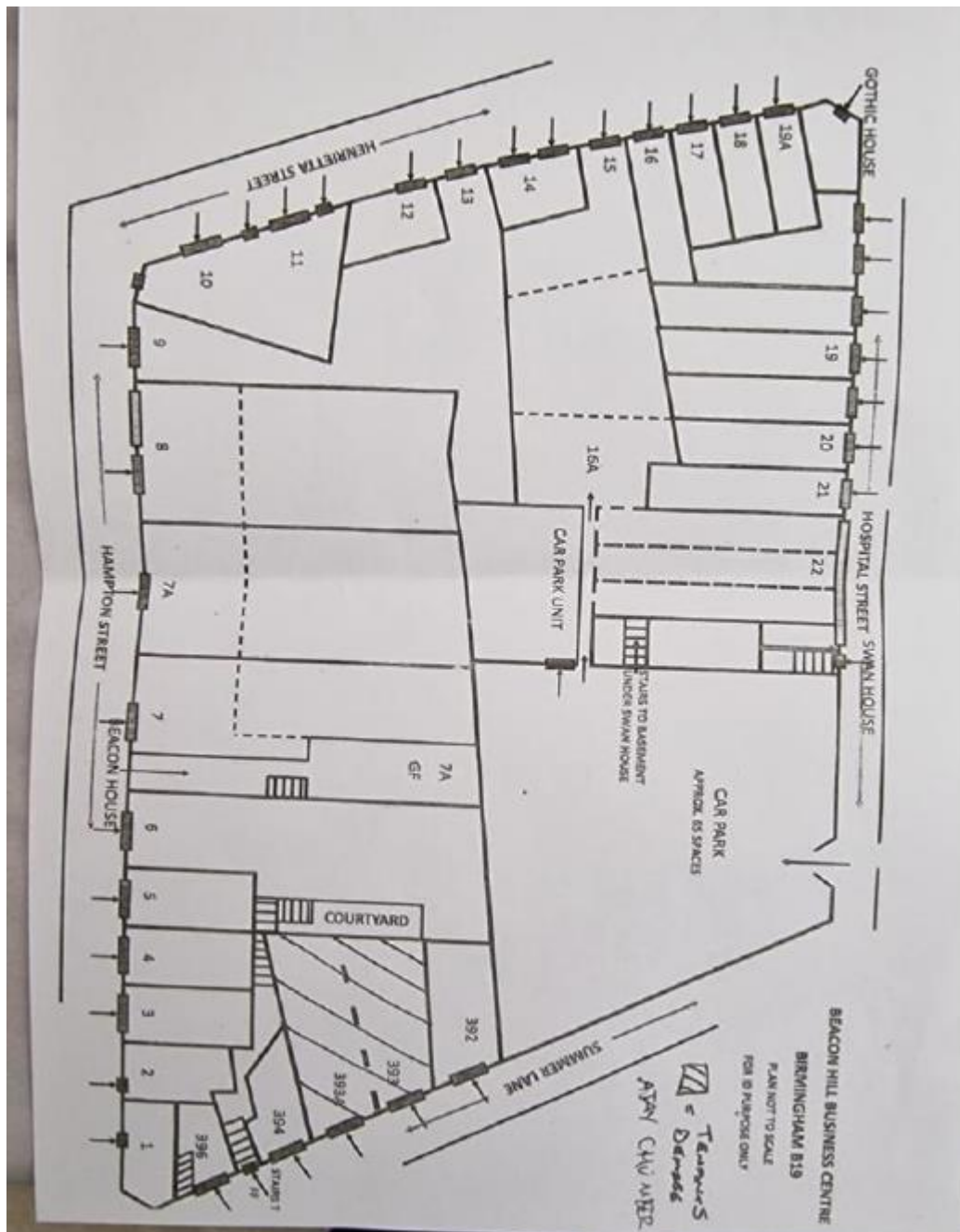
Name:

2) Director/Secretary:

Name:

W. Tenant Must Put Antennas/Accessories
Consistent To Operate Shop Such
As Bookies, "Naga House", "Pension",
"Kosher", "One Stop" etc.
The Shop Must Not Run On Trade
As An Independent Shop Which
Serves With Various In House
Wares.

* Tenant To Pay Damage Deposit/
Rent Bond of Four-Thousand -
Payable only to be used by Landlord
Termination Term



(address) of

declare that -

(name of tenant) 1.
(name of premises)

propose(s) to enter into a tenancy of premises at
398/393A Leamington Road, Newcastle.
B14 6PL.
for a term commencing on
10/9/2023

(name of landlord) 2.

I/The tenant propose(s) to enter into an agreement with

that the provisions of sections 24 to 28 of the Landlord and Tenant Act 1954 (security of tenure) shall be excluded in relation to the tenancy.

3. The landlord has, not less than 14 days before I/the tenant enter(s) into the tenancy, or (if earlier) become(s) contractually bound to do so served on me/the tenant a notice in the form, or substantially in the form, set out in Schedule 1 to the Regulatory Reform (Business Tenancies) (England and Wales) Order 2003. The form of notice set out in that Schedule is reproduced below.

4. I have/The tenant has read the notice referred to in paragraph 3 above and accept(s) the consequences of entering into the agreement referred to in paragraph 2 above.

(as agent/landlord) [5. I am duly authorised by the tenant to make this declaration.]

DECLARED this 09 day of 03/2023

Signed ADAY CHUMBER.

TNTZ

Page 1 of 2

Date: 25/3/2023

PARTIES:

"LANDLORD"

"TENANT" AJAY CHUMBER

"PROPERTY"

has up Shop 393/393A, Summer Lane,
Newtown.
Bham
B19 3PL.

"Description of the items included"

But subject as set out in this Agreement

TERM:

A fixed term of ~~10~~ years

From:

commencing from or:

Year 1 term: Escrowed - Tenancy - Payment only To: 10/1
P.A. 10/1

RENT:

Per Annum + VAT at the Prevailing Rate.

Per Annum + VAT at the Prevailing Rate

Year 2 term: Tenancy - Tenancy - Payment only P.A. 30% Rent only
(subject to review if this Agreement so provides)

RENT COMMENCEMENT DATE:

OCCUPATION DATE: ASAP.

PAYABLE:

Quarterly in advance by equal Quarterly payments.

FIRST PAYMENT:

To be made on _____

A. The Landlord lets the Property to the Tenant for the Term at the Rent payable as set out above.

B. FOR the purpose of clause 2 and 3, each of the following items is specified as an item included.

C. FOR the purpose of outgoings and service charges, services for which the Landlord may charge are Water, Electricity,
Gas and any other supplies or items. Security and management charges, also common area charges, Drainage and any
other repairs or supplies to the property and common areas (Payable in advance as Rent) or during the term/end of the
lease.

Commercial Lease Agreement Signed As A Deed

Page 1

x

AJAY CHUMBER.

From: Mark Swallow
Sent: 17 April 2023 08:02
To: 'Optimised Training Centre'
Subject: RE: [External]: Re: Select & Save, 393 Summer Lane, Birmingham, B19 3PL

Mij,

Thank-you for sending the lease document. Is there any progress on any of the other documentation below to show that the applicant is not linked to the previous persons at the premises.

Mark.

The transfer of the business document,

The payment for the transfer of the business

The document stating who is responsible for paying the business rates for the premises.

The document stating who is responsible for the utilities at the premises.

Agreed Conditions

- When the premises are trading the numbers of staff members will be informed by the premises carrying out risk assessments,
- Single plastic cups will not be sold to accompany the sale of any alcoholic product.
- There will be no sales of beer, lager, alcopops, or cider with an alcohol content above 6.5% ABV in single metal, glass or plastic containers. This restriction shall not apply in respect of specialist branded premium priced products, for example craft ales, local or micro-brewery specialist products, boxed gifts or national celebratory/commemorative beer, lager, or cider.
- The licensee shall erect prominent, clear and legible signage inside and outside the premises:- a) requesting patrons to be considerate of local residents when leaving the premises b) advising patrons of no loitering outside the premises,
- Deliveries will be made between 0800 hours and 2000 hours to minimise nuisance,
- The CCTV will be checked to ensure that it is working once 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.
- No persons working at or running/ managing the premises under license number 3745 will be allowed to work at the premises under this license or play a part in the running or management of the premises.
- No alcohol or tobacco or other products will ever be purchased from sellers calling at the premise. Exceptions to the condition would be purchases made from authorised representatives who have made prior appointments to visit the store. All alcohol and tobacco products sold at the premises shall have the relevant UK duty paid. Foreign tobacco, which does not comply with relevant UK legislation, shall not be stored and/or sold at the premise. Invoices, or copies of invoices, for all alcohol, tobacco and any other products purchased for the sale at the premises, will be retained and kept at the premises, and made available to officers from the relevant authorities on request. If any tobacco products purchased for or on behalf of the business does not have UK Duty Paid fiscal mark or are otherwise suspicious, the licensee and/or designated premises supervisor shall notify the supplier to Birmingham City Council Trading Standards and HMRC as soon as possible.

SIGNED and executed as a Deed:

AJAY CHUMBER

SIGNED:

Director:

Name:

Director/Secretary:

Name:

SIGNED AS WITNESS

Name:

Address:

Signature:

LANDLORD

SIGNED and executed as a Deed:

Signed:

1) Director:

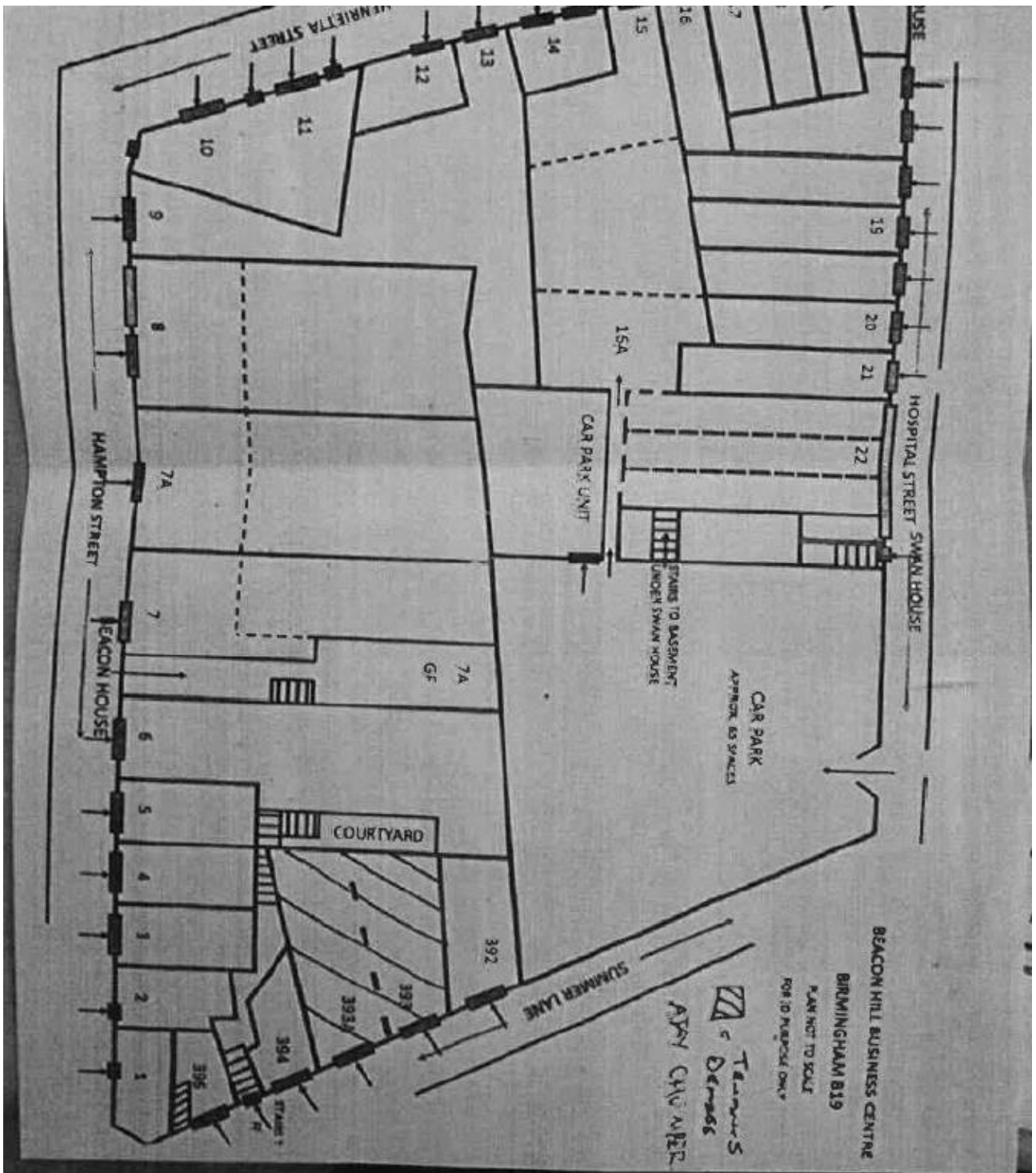
Name:

2) Director/Secretary:

Name:

W. Tenant Must Put Antennas
Consent To Operate Shop Even
As Broom, "Nona Lora", "Pawzen",
"Koschman", "One Star" Etc.
The Shop Must Not Run On These
As An Independent Shop Under
Name With Landlord In Name
Warranty.

* Tenant To Pay Damage Damage/
Personal Bond of Four-Thousand-
Pounds any loss by Landlord
Tenant Term



Date of notice
Class of premises

1.

propose(s) to enter into a tenancy of premises at

398/393a Leamington Road, Nuneaton.
B17 0PL

for a term commencing on

10/3/2023

(name of landlord)

2.

I/The tenant propose(s) to enter into an agreement with

that the provisions of sections 24 to 28 of the Landlord and Tenant Act 1954 (security of tenure) shall be excluded in relation to the tenancy.

3.

The landlord has, not less than 14 days before I/the tenant enter(s) into the tenancy, or (if earlier) become(s) contractually bound to do so served on me/the tenant a notice in the form, or substantially in the form, set out in Schedule 1 to the Regulatory Reform (Business Tenancies) (England and Wales) Order 2003. The form of notice set out in that Schedule is reproduced below.

4.

I have/The tenant has read the notice referred to in paragraph 3 above and accept(s) the consequences of entering into the agreement referred to in paragraph 2 above.

(on signature)

5.

I am duly authorised by the tenant to make this declaration.)

DECLARED this 09 day of 03/2023

Signed AJAY CHAMBER

TENANT: AJAY CHUMBER

PROPERTY: house up Suro 393/393A, Summer Lane,
Newtown.
Bunam
019 3PL.

Acceptance of the items included

But subject as set out in this Agreement

TERM:

Ten.
A fixed term of 10 years

From:

commencing from 01/01/2017

Year 1 Rent: £10000 - Tenants - Pounds only

RENT:

Per Annum + VAT at the Prevailing Rate

To: 10/1
P.A. 01/01/2017

Per Annum + VAT at the Prevailing Rate

Year 2 Rent: £10000 - Tenants - Pounds only .0.0. 3000 Pounds only

RENT COMMENCEMENT DATE:

OCCUPATION DATE: 01/01/2017

PAYABLE:

Quarterly in advance by equal Quarterly payments.

FIRST PAYMENT:

To be made on 01/01/2017

- A. The Landlord lets the Property to the Tenant for the Term at the Rent payable as set out above.
- B. FOR the purpose of clause 2 and 3, each of the following items is specified as an item included.
- C. FOR the purpose of outgoings and service charges, services for which the Landlord may charge are Water, Electricity, Gas and any other supplies or items. Security and management charges, also common area charges, Drainage and any other repairs or supplies to the property and common areas (Payable in advance as Rent) or during the term/end of the lease.

Commercial Lease Agreement Signed At A Deed

Page 1

AJAY CHUMBER.

From: Doug Wright
Sent: 26 April 2023 14:49
To: Bhapinder Nandhra
Subject: Select & Save 393 Summer Lane

Bhap

I put representations in support of West Midlands Police (BW Licensing)

Under the Licensing Act 2003 as I feel it would undermine the crime prevention objective in the Act, as until such time that the agent produces to West Midlands Police the documents it has requested I had no confidence whatsoever that the previous licence holder will not be involved in the running of the new business.

Also, in view of the Premises having its Licence Revoked previously by West Midlands Police.

I know Mark Swallow from BW Licensing has agreed conditions with the agent Mijanur Rehman from Optimised Training Centre and agreed that the previous owner, who I understand to be the landlord has nothing to do with the operation of the new premises licence. from talking to Mark, Mij has agreed the conditions but failed to produce the supporting documents.

If as suggested the agent does produce the requested documents and they meet the requirements of the Police I will withdraw my representation.

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



Birmingham
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

System reference

Not Currently In Use

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

Your reference

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

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

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

Applicant Details

* First name

Ajay

* Family name

Chumber

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

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

☒ Applying as an individual

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

Continued from previous page...

Address

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text"/>

Agent Details

* First name	<input type="text" value="Mijanur"/>	
* Family name	<input type="text" value="Rahman"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	

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

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
☐ A private individual acting as an agent

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

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	<input type="text" value="7021919"/>	
Business name	<input type="text" value="Optimised Training Centre"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="-"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Private Limited Company"/>	
Your position in the business	<input type="text" value="Manager"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	Optimised Training Centre
Street	1 Guildford Street
District	
City or town	Birmingham
County or administrative area	
Postcode	B19 2HN
Country	United Kingdom

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	Select & Save
Street	393 Summer Lane
District	
City or town	Birmingham
County or administrative area	
Postcode	B19 3PL
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	7,800

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

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

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

- ☒ Yes ☐ No

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

First name

Family name

Is the applicant 18 years of age or older?

- ☒ Yes ☐ No

Continued from previous page...

Current Residential Address

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

☒ Yes

☐ No

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

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

☒ Yes

☐ No

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

E-mail

Telephone number

Other telephone number

* Date of birth

 / /
dd mm yyyy

* Nationality

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

Right to work share code

[Right to work share code if not submitting scanned documents](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

 26 / 04 / 2023
dd mm yyyy

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

 / /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

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

Off-Licence and convenience store

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes

☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes

☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

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Continued from previous page...

Will you be providing recorded music?

☐ Yes ☒ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes ☒ No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY		
Start	<input type="text" value="07:00"/>	End <input type="text" value="00:00"/>
Start	<input type="text"/>	End <input type="text"/>
TUESDAY		
Start	<input type="text" value="07:00"/>	End <input type="text" value="00:00"/>
Start	<input type="text"/>	End <input type="text"/>
WEDNESDAY		
Start	<input type="text" value="07:00"/>	End <input type="text" value="00:00"/>
Start	<input type="text"/>	End <input type="text"/>
THURSDAY		
Start	<input type="text" value="07:00"/>	End <input type="text" value="00:00"/>
Start	<input type="text"/>	End <input type="text"/>

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

Continued from previous page...

FRIDAY

Start 07:00

End 00:00

Start

End

SATURDAY

Start 07:00

End 00:00

Start

End

SUNDAY

Start 07:00

End 00:00

Start

End

Will the sale of alcohol be for consumption:

☐ On the premises ☒ Off the premises ☐ Both

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

State any seasonal variations

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

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

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

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

Name

First name

Ajay

Family name

Chumber

Date of birth

/ /
dd mm yyyy

Continued from previous page...

Enter the contact's address

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

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

NONE

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

--

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

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

--

Section 18 of 21

LICENSING OBJECTIVES

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

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

Continued from previous page...

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

A Challenge 25 policy will be strictly followed by all staff.
Staffs will be trained as appropriate in respect of relevant licensing law.
CCTV cameras are installed and images will be kept for 31 days

b) The prevention of crime and disorder

All staff other than personal license holders must receive training regarding the: -

- Four licensing principles contained in the Licensing Act 2003
- Responsible retailing of alcohol, and the law
- The conditions attached to the premises licence

Training must include evidence that the trainee has gained knowledge and understanding of the training, which may consist of a test or quiz, completed by the trainee. Documented records of training completed shall be kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by responsible authorities.

The premises licence holder must ensure that: CCTV cameras are located within the premises to cover all public areas including all entrances and exits. The system records clear images permitting the identification of individuals. The CCTV system is able to capture a minimum of 24 frames per second and all recorded footage must be securely retained for a minimum of 31 days. The CCTV system operates at all times while the premises are open for licensable activities. All equipment must have a constant and accurate time and date generation. The CCTV system is fitted with security functions to prevent recordings being tampered with, i.e. password protected. There must be at least one member of trained staff at the premises during operating hours able to provide viewable copies on request to police or authorised local authority officers as soon as is reasonably practicable in accordance with the Data Protection Act 1998 (or any replacement legislation). CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request.

All spirits and expensive alcohol will be kept behind the counter and out of reach of customers.

A refusals log will be maintained at the premises. Each entry will be signed off by the DPS.

An incident log will be maintained at the premises. Each entry will be signed off by the DPS

c) Public safety

A fire alarm system will be installed to meet BS 5839 Part 1 current standards.

An emergency lighting system will be installed to meet BS 5266 current standards.

Firefighting equipment will be available in the premises to meet BS 5306 current standards.

Floor staff will conduct physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the management.

The Designated Premises Supervisor is aware of his responsibilities to the staff and customers in respect of public safety and will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations.

A fire risk assessment will be conducted.

d) The prevention of public nuisance

All deliveries will be conducted prior to 8pm to control noise nuisance.

In conjunctions with the steps proposed for the prevention of crime and disorder objectives, the Licensees and staff will at all times remain responsible for the prevention of public nuisance in and around the premises.

The Designated Premises Supervisor or nominated staff will arrange to monitor levels of noise from both inside and outside the premises and remedial action will be taken as appropriate.

Notice displayed asking customers to respect neighbors and leave quietly.

Continued from previous page...

e) The protection of children from harm

A Challenge 25 policy will be strictly followed by all staff. No member of staff shall be permitted to sell alcohol until trained in the operation of the Challenge 25 policy. Any person who appears to be under the age of 25 who attempts to buy alcohol shall be challenged to provide age verification in the form of a passport, photo driving licence or PASS accredited card. Where proper verification is not provided the sale shall be refused. A record of the refusal shall be kept in the refusals log, identifying the member of staff who refused the sale. The refusal log will be always kept on the premises and made available to responsible authorities upon request.

The premises shall display prominent signage indicating at any point of sale, that the Challenge 25 scheme is in operation.

A refusals record will be kept at the premises which details all refusals to sell alcohol. This record must include the date and time of the incident, the name of the staff member who refused the sale, and the reason the sale was refused. All entries must be made within 24 hours of the refusal. The record must be made available for inspection by an officer of a Responsible Authority

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

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

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

Home Office online right to work checking service

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

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

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

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

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

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PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

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

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

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

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

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15).

THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

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

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

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

[Add another signatory](#)

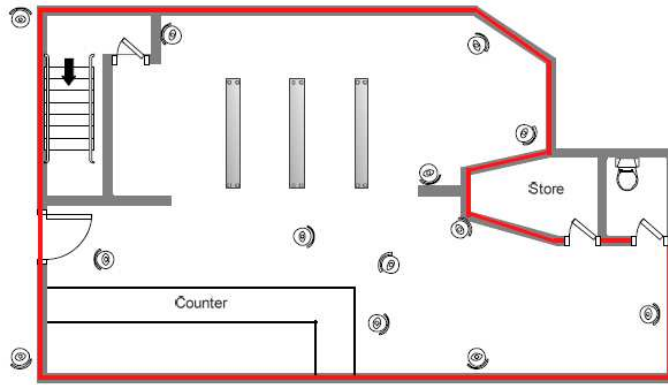
Once you're finished you need to do the following:



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

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

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED



Key:	
Licensable Area	
CCTV	
Client	Ajay Chumber

Scale Plan:	1:100 @ A4
Premises Details:	
Select and Save	
393 Summer Lane, Birmingham, B19 3LN	
Date:	March 2023
By:	Mijanur Rahman

