

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 25 SEPTEMBER 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**

4 - 25

4 **MINUTES**

To note the public part of the Minutes of the meeting held on 28 April 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 24 July 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 7 August 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 14 August 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

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5 **LICENSING ACT 2003 PREMISES LICENCE – GRANT ASDA EXPRESS, 573 PERSHORE ROAD, HARBORNE, BIRMINGHAM, B29 7DF**

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 28 April 2023 and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 24 July 2023 and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 7

August 2023 and to confirm and sign the Minutes as a whole.

To note the private part of the Minutes of the meeting held on 14 August 2023 and to confirm and sign the Minutes as a whole.

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

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

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE A 24 JULY 2023</p>
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 24 JULY 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors Mary Locke and Penny Wagg.

ALSO PRESENT

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

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

1/240723

NOTICE OF RECORDING/WEBCAST

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2/240723

DECLARATION OF INTERESTS

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

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

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

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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/240723 Apologies were submitted on behalf of Councillors Phil Davis and Simon Morral and Councillors Diane Donaldson and Penny Wagg were the nominated substitute Members.

MINUTES

4/240723 That the minutes of the meeting held on 12 June 2023 at 1000 hours, 26 June 2023 at 1200 hours and 3 July 2023 at 1000 hours were circulated and confirmed and signed by the Chair.

The Public section of the minutes of the meetings held on 19 June 2023 at 1000 hours and 26 June 2023 at 1000 hours were noted.

EXCLUSION OF THE PUBLIC

5/240723 **RESOLVED:-**

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 information under Paragraph 1 of Schedule 12A of the Local Government Act 1972 - (information relating to any individual).

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE A 7 AUGUST 2023</p>

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

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Mary Locke and Diane Donaldson.

ALSO PRESENT

Bhupinder David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services

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

1/070823

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.

2/070823

DECLARATION OF INTERESTS

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

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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/070823 Apologies were submitted on behalf of Councillor Simon Morrall and Councillor Diane Donaldson was the nominated substitute Members.

MINUTES

4/070823 The Public section of the minutes of the meetings held on 20 July 2023 at 1000 hours were noted.

LICENSING ACT 2003 PREMISES LICENCE – GRANT – PICKWICK ATHLETIC CRICKET CLUB, WINDERMERE ROAD, SPRINGFIELD, BIRMINGHAM, B13 9JS.

On Behalf of the Applicant

Kerry Cox – Representing the applicant
Waheed Jahib – Applicant

On Behalf of Those Making Representations

Councillor Izzy Knowles – Local Ward Councillor
Mrs Connor – Local Resident
Janice Burns – Local Resident
Sarah Bowers – Local Resident
Mendie De Vos – Local Resident
Jean Gilkison – Local Moseley Society
John Wilson – Local Resident

* * *

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

Kerry Cox, representing the applicant on behalf of Duncan Craig (Barrister) made two preliminary points. Firstly, that the address (which had been incorrectly documented as 20 Windermere Road by the Birmingham City Council Licensing Section) on the Blue Notices had been correctly advertised. Secondly, she made an application to adjourn the hearing outside of the statutory hearing window in order to allow all parties time to engage and work to resolve any issues. Furthermore, she confirmed that there was 'overwhelming support' for such an application and asked the Committee to grant the adjournment request.

Councillor Izzy Knowles confirmed that she was content with the adjournment being granted.

Licensing Sub-Committee A - 7 August 2023

David Kennedy, Licensing Section further advised that Peter Brown (Environmental Health) had confirmed via email that he was also in agreement with the adjournment application.

At this stage (1012 hours), the Members, Committee Lawyer and Committee Manager withdrew into a separate private MS Teams meeting in order to consider the request for an adjournment.

At 1017 the Members, Committee Lawyer and Committee Manager returned to the public session and the Chair announced that the request for an adjournment was approved and a date and time outside the hearing window would be confirmed to all parties in due course. A full written decision in relation to the agreed adjournment was sent to all parties as follows;

5/070823 **RESOLVED:-**

That the application by Pickwick Venue Ltd for a premises licence in respect of Pickwick Athletic Cricket Club, Windermere Road, Springfield, Birmingham B13 9JS, be adjourned to a date outside the statutory hearing window, in accordance with regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005.

The Sub-Committee heard from the applicant's agent that more time would enable discussions to take place. None of those attending to make representations objected to this course. The meeting was therefore adjourned to a date to be confirmed.

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

EXCLUSION OF THE PUBLIC

6/070823 **RESOLVED:-**

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.

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE A, FRIDAY 28 APRIL, 2023</p>
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON FRIDAY, 28 APRIL, 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Phil Davis in the Chair;

Councillors Izzy Knowles and Mary Locke

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Louisa Nisbett - Committee Services
Saanya Khattak – (Trainee Solicitor)

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

1/280423

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 meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2/280423

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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There were no interests declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/280423 An apology was submitted on behalf of Councillor Simon Morrall. Councillor Izzy Knowles was the nominee Member.

LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW FRANCY, 348 SOHO ROAD, HANDSWORTH, BIRMINGHAM, B21 9QL

3/280423 The following report of the Director of Regulation and Enforcement was submitted:-

(See document no. 1)

On Behalf of the Applicant

David Dodds – Legal Representative
Adriana Pesea – Premises Licence Holder

Those Making Representations

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

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

Mark Swallow, WMP requested that the hearing be held in private owing to the on-going police investigation. A number of people had been arrested however there were some outstanding warrants for arrests.

David Dodds, Solicitor confirmed that they had no objection to the hearing being held in private.

The meeting was adjourned at 1007 hours for the Sub-Committee to consider the request and reconvened at 1011 hours. The Chairman announced the decision of the Sub-Committee that the meeting be held in private.

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

Following this and at 1034 hours it was

EXCLUSION OF THE PUBLIC

4/280423 **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.

After an adjournment, and at 1125 hours all parties were recalled to the meeting and the decision of the Sub-Committee was announced as follows:-

5/280423 **RESOLVED:-**

That, having reviewed the premises licence held under the Licensing Act 2003 by Adriana Camelia Pesea in respect of Francy, 348 Soho Road, Handsworth, Birmingham B21 9QL, following an application for an expedited review made by a Superintendent of West Midlands Police, this Sub-Committee hereby determines that:

- the interim step of suspension of the licence, which was imposed at the Interim Steps meeting of 4th April 2023, is lifted
- the designated premises supervisor Adriana Camelia Pesea is removed
- all of the conditions which were agreed between the licence holder and West Midlands Police in advance of the meeting shall be adopted both as a modified interim step and as the substantive decision following the review of the licence. Those agreed conditions are as follows:
 1. Adriana Camelia Pesea, who is removed as the designated premises supervisor for the premises, shall be replaced
 2. When the premises is trading at least one of the members of staff on duty will be first aid trained and the licence holder will have available for use a working bleed kit whenever licensable activities are carried on from the premises
 3. The premises will operate a vulnerability policy. This policy will be available to any of the responsible authorities on request
 4. The premises will operate a dispersal policy. This policy will be made available to any of the responsible authorities on request
 5. The doors to the premises will be locked to the outside and customers will only be allowed access to the premises after speaking with staff at the premises via an intercom and then passing through a staff-controlled door. The area around the front door will be covered by the premises CCTV system
 6. All drinks supplied will be decanted into glasses. No bottles or other containers will be in the customer area of the premises
 7. The premises will only re-open when all these measures are in place

Licensing Sub-Committee A - 28 April, 2022

The Sub-Committee's reasons for this determination were due to the recommendation from 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 had determined at the Interim Steps meeting of 4th April 2023 that the cause of the serious crime and/or serious disorder had originated from a style of management which had been incapable of upholding the licensing objectives. The style of management had been the responsibility of Adriana Camelia Pesea 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 Pesea had also been the person named on the licence as the designated premises supervisor.

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. West Midlands Police reminded the Sub-Committee of the ongoing criminal investigation, and of the CCTV evidence showing the violent incident inside the premises. The solicitor for the licence holder company agreed that it would be difficult to separate the evidence across public and private sessions, and therefore confirmed that he did not object to the holding of the meeting in private session.

The Sub-Committee therefore decided to hold the meeting in private session, particularly as none of the three Members in the meeting had been part of the panel for the Interim Steps meeting, and had not viewed the CCTV evidence.

The meeting therefore went into private session and Members heard the submissions of West Midlands Police, The Police summarised the investigation thus far – exactly as detailed in the Report. The incident had been the subject of crime reports for wounding, per s18 of the Offences Against the Person Act 1861. A criminal investigation was under way.

CCTV from inside the premises was played to the Sub-Committee. The Police stated that they had serious concerns regarding the promotion of the licensing objectives at 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 Sub-Committee was aware 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 perhaps not have happened had the operating conditions of the premises licence been followed.

It was the advice of the Police that conditions were required in order to deal with the causes of the serious crime and/or serious disorder and to ensure that the premises could safely reopen. Seven suitable conditions had been agreed between the Police and the licence holder, in advance of the meeting. The

members noted that these new measures included a vulnerability policy and a dispersal policy; the Police explained what these would entail.

The Police advised the Sub-Committee that the adoption of the agreed conditions would ensure that the licensing objectives could be promoted and that therefore the incident would not be repeated. The Police invited the Sub-Committee to lift the interim step of suspension which had been imposed on the 4th April 2023, and to replace it with the seven agreed conditions.

The Sub-Committee then heard from the licence holder, via her solicitor. The solicitor noted that no other party had made representations – whether the other responsible authorities, businesses or local residents. Moreover, he noted that the Police, who had brought the Review of the licence, had confirmed that the seven agreed conditions were all that was required to allow the premises to resume trading.

The solicitor drew the attention of the Sub-Committee to paragraph 9.12 of the Guidance issued by the Secretary of State under s182 of the Act, which explained that each responsible authority was an expert in their respective field, and was likely to be the licensing authority's main source of advice in relation to a particular licensing objective; the Police were therefore the licensing authority's main source of advice on the crime and disorder licensing objective. The solicitor agreed entirely with the Police that the adoption of the seven agreed conditions was the correct course.

Whilst the solicitor acknowledged that the licence holder had been operating beyond the terms of the licence, he noted that the CCTV had been working and was made available to the Police, and had therefore provided crucial evidence. The solicitor also stated that in his opinion “the incident could have happened anywhere”, as it had involved an invasion by persons who were not connected to either the licence holder or her staff. The premises itself had therefore played no part in the incident, he said.

The solicitor was arranging for all documents to be translated into the Romanian language for the licence holder, after he noted that there had possibly been some confusion among the management over whether or not trading was permitted at the time in question (on the night of the incident). Apart from that, the solicitor was confident that the incident had been “a one-off”, and had not been connected to the licence holder or the operational side of the business. He urged the Sub-Committee to take the expert advice of the Police and to impose the seven agreed conditions; he observed that to do this would be “appropriate and proportionate”.

In summing up, the Police confirmed that there was no link between the premises and the persons who had entered on the night in question. However, the Police's view was that the incident was in fact directly related to the premises, because of the fact that it was trading beyond the permitted hour. Nonetheless, and leaving that aside, the Police recommendation was to lift the suspension and to adopt the seven agreed conditions, as this would be the most effective way to promote the licensing objectives.

Having heard all of the evidence, the Members agreed with the Police that it was not possible to have any trust in the designated premises supervisor, and in particular agreed that the incident would not have happened at all if the premises had been observing the conditions of the licence; it was obvious that the decision to trade after the terminal hour had been the cause. However, there was no connection between those who had invaded and the licence holder.

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 unamused 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 licence holder’s language difficulties had been a worry to the Sub-Committee at the previous meeting, and the Members were therefore pleased to hear that translations of documents were being prepared for her.

All in all, whilst it had been a very serious and dangerous incident, the Sub-Committee was satisfied that the Police, who were the experts on the prevention of crime and disorder, had recommended a course which would allow the suspension to be lifted, such that the premises could resume trading. Upon examining the agreed conditions, the Sub-Committee found the Police recommendation to be the proper course, and agreed with the licence holder’s solicitor that the new conditions were appropriate, reasonable and proportionate to address concerns raised, in particular the likelihood of serious crime and/or serious disorder, and to ensure safe operation.

The Sub-Committee also accepted that the removal of Adriana Camelia Pesea as designated premises supervisor, as recommended by the Police, was a very important safety feature, given that it was this individual who was responsible for the day to day running of the premises. The failings seen on the night in question had been a significant risk to the upholding of the licensing objectives in Birmingham. Public safety was of paramount importance, and the safest course was to replace her with a more suitable person.

In addition to the above conditions, those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued.

Licensing Sub-Committee A - 28 April, 2022

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the latest version of the Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State, the application and certificate issued by West Midlands Police under section 53A of the Licensing Act 2003, the written representations, and the submissions made at the hearing by West Midlands Police, and by the solicitor acting for the licence holder.

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

The determination of the Sub-Committee, save for the imposition of the agreed conditions as a modified interim step, does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the determination of the appeal.

The meeting ended at 1131 hours.

Chair

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE A 14 AUGUST 2023</p>
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**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD
ON MONDAY 14 AUGUST 2023 AT 1330 HOURS AS AN ON-LINE MEETING.**

PRESENT: - Councillor Diane Donaldson in the Chair;

Councillors Mary Locke and Izzy Knowles.

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Alex Cerutti – Trainee Solicitor
Katy Poole – Committee Services

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

1/140823 **NOTICE OF RECORDING/WEBCAST**

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2/140823 **DECLARATION OF INTERESTS**

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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/140823 Apologies were submitted on behalf of Councillors Davis and Morrall and Councillors Donaldson and Knowles were the nominated substitute Members.

MINUTES

4/140823 That the Minutes of the meeting held on 24 July 2023 at 1000 hours were noted, and the Minutes as a whole were confirmed and signed by the Chair.

LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW – THE ARK BIRMINGHAM, 74 JOHN BRIGHT STREET, BIRMINGHAM, B1 1BN.

On Behalf of the Applicant

Mark Swallow – West Midlands Police (WMP)

On Behalf of the Premises Licence Holder

Adrian Curtis – Solicitor

Jugdeep Singh – Director, Premises Licence Holder (PLH) company.

* * *

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, stated that he did have CCTV footage showing the incident but he didn't believe he needed to show it again unless Members requested to see it. However, if the Committee were minded to see the footage then he requested that the CCTV evidence be screened in private due to the on-going investigation and sensitivity around the footage.

Adrian Curtis on behalf of the PLH company did not object to the application submitted by WMP.

David Kennedy, Licensing Officer asked Mark Swallow to clarify if the application was for part or all of the hearing to be heard in private.

Mark Swallow requested that all of the hearing be held in private.

Chair advised that the Committee were minded to view the CCTV as they had not seen it and approved the request for the CCTV to be screened privately.

David Kennedy, Licensing Section, outlined the report.

The Chair then advised that the private session would start, and all parties moved over to the separate private Teams session.

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

EXCLUSION OF THE PUBLIC

5/140823 **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 public were readmitted into the meeting.

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;

6/140823 **RESOLVED:-**

That having reviewed the premises licence held under the Licensing Act 2003 by Ark Indian Dining & Bar Limited, in respect of The Ark Birmingham, 74 John Bright Street, Birmingham B1 1BN, following an application for an expedited review made on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines:

1. That the interim steps which were imposed at the Sub-Committee meeting of 20th July 2023 shall be modified, in that they shall be replaced with the conditions below, and thereafter shall remain in place pending the determination of any Appeal
2. That the conditions of the premises licence be modified, as follows:
 - All of those conditions offered by the premises in its document entitled “Licence Plan August 2023” which was submitted in advance of the Sub-Committee meeting are adopted as conditions of the licence [see *below*]
 - There shall be no entry to the nightclub part of the operation after 00.00 hours, and any person re-entering shall be subjected to the search procedure, as a condition of the licence
 - First Aid training shall be undertaken to the satisfaction of West Midlands Police, as a condition of the licence
 - An ACS-approved security provider shall be appointed to the satisfaction of West Midlands Police, as a condition of the licence

Licensing Sub-Committee A – 14 August 2023

MODIFY CONDITIONS as per the 'Licence Plan August 2023' document		
That the conditions of the premises licence be modified as follows, in order to manage the risks of serious crime ad/or serious disorder, and to promote the licensing objectives in the Act:		
A.	Modification of Opening Hours – Reduction of Closing Time for Second floor of the premises.	The second floor of the premises (nightclub-style operation) will be closed by 2am on a Friday & Saturday night. No new entries into the venue after 00.00 hours (midnight).
B.	ID scanner	The licence holder shall maintain and operate an ID Scan to all persons entering the nightclub premises whenever licensable activities are being carried on. The premises to adopt and display a clear notice to the effect that there is a strict policy of "NO ID, NO ENTRY". The ID Scanner to be used for the second-floor club nights from 22.00 hours until last admission. Door staff re-trained to enforce 'Challenge 25'. Management to conduct regular refresher training on different methods of adopting this policy, which will be documented.
C.	Security body searches	All persons including staff, DJs and entertainers entering the nightclub second floor area to be subject to a full body search. This includes pockets being emptied, males patted down and metal detection equipment used (metal detection wands), DJ equipment including bags to be searched, female handbags to be handed over to SIA approved guards and searched, then to be metal detected. Strict enforcement of the premises' rule of "NO SEARCH, NO ENTRY". Searches to always be carried out by one of at least 3 security staff at the front door. Any patron migrating from the restaurant area to the second-floor area to be subject to the same search. Any and each person who may decide to leave and re-enter the second-floor nightclub premises to be subject to the same searches upon re-entering.
D.	Vulnerability policy	The premises to operate a vulnerability policy which will be made available to any of the responsible authorities on request. Premises to offer a safe space for vulnerable people such as an area on the restaurant floor away from patrons.
E.	Staff training on the Licensing Act 2003	All existing and new staff to be trained on the requirements of the Licensing Act 2003 prior to being allowed to sell/ supply alcohol. Training to cover the conditions on the premises licence; the 'Challenge 25' policy and the

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		premises' document 'Licence Plan August 2023'. All training including refresher training to be documented and signed off by the Premises Licence Holder and the trainee. All training records to be made available to any of the responsible authorities on request. Staff other than personal licence holders involved in the sale/ supply of alcohol to receive documented refresher training every six months.
F.	Incident log	A refusals/ incident log to be maintained at the premises. The incident log to be made available to the responsible authorities on request.
G.	Security staff	<p>The premises to appoint an ACS-approved security provider which holds Safe Contractor Approved status, to the satisfaction of West Midlands Police.</p> <p>Management to work with the guards on duty to deploy staff in their designated positions in and outside the venue. Security staff must without fail sign in and out, prepare for the nightclub event by wearing fluorescent jackets, check all equipment provided by the venue, which includes radios, earpieces, clickers, body camera and metal detection wands. The premises to keep a profile of all door staff on duty which will include a copy of the SIA licence and photographic ID. The signing in and out log, along with the incident log, to be made immediately available to any of the responsible authorities on request. Guards to remain on duty until all patrons have dispersed from the venue and the front vicinity is all clear. The management to carry out a risk assessment for the front door and for all nightclub nights proposed and work with West Midlands Police who will retain a power of veto over any proposed new club nights which will include the number of door staff required. Details of club nights to be recorded and available to any responsible authority immediately on request. The premises to introduce one dedicated role for an extra member of door staff which includes double checking ID, enforce 'Challenge 25' and ensure that patrons are observing the strict dress code to enter the premises. Dress code policy for the venue is to refuse entry to those patrons wearing tracksuits, sportswear, shorts, manbags, baseball caps.</p>
H	Age restriction (patrons aged under 18 years)	No persons under the age of 18 years will be allowed into the second floor of the premises when licensable activities are taking place. No persons under 18 years will be allowed to be in the restaurant after 22.00 hours.
I	Venue promotion/ hire to external promoters	The premises to no longer use external promoters. The venue will not be hired/used by external promoters. All nights at the venue will be promoted by the premises itself using only employees and contractors who work for the premises.

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J	Event bookings	<p>The venue will not be hired out/used by outside promoters. When bookings for the premises or part of the premises for private parties and events are made, the premises to take details of persons booking the venue including the name, address, telephone number of the person making the booking. Details to be confirmed by photographic ID. Booking details to be kept on the premises for a minimum of 28 days after the event and made available to West Midlands Police on request. All bookings to be subject to a refundable deposit being taken along with a written invoice detailing the agreed booking conditions. All persons booking events to be informed that the premises will be deploying door staff as per the premises risk assessment, and that all persons will be subject to the premises search/entry policy including metal detection.</p>
K	Dispersal policy	<p>Patrons to be reminded to be mindful of local residents as they leave. Door staff to be trained on the importance of the dispersal policy, crowd management and health & safety. Security staff to be equipped with radios and earpieces to ensure coordination with those at the second floor, the first-floor landing and the main entrance. Any large grouped patrons that may wish to leave prior to closing to be advised to wait on the first-floor landing whilst security staff can monitor any patrons gathered outside (if any) before allowing any further patrons to leave the premises. Regular patrols in and out of the premises to be conducted to remind patrons to be respectful of neighbours. Patrons to be advised at point of entry and exiting that there shall be no form of gathering outside the premises. The premises to continue to use the 30-minute cooling down period by reducing the music volume and switching on the main ceiling lights to help the dispersal process. Nearing closing time the premises to implement an additional exit strategy to reduce patrons gathering on the street outside. Barriers to be set up at a minimum of 11 metres in each direction and patrons shown which direction to take.</p> <p>No ropes with metal cordons to be used. Confectionery/sweets will be offered free of charge for patrons leaving. The dispersal policy to be regularly reviewed and updated where necessary.</p>
L	Signage	<p>The premises to ensure notices and signs are displayed around the premises advising patrons to be mindful and respect the nearby residents. Door staff to remind patrons to keep noise levels to a minimum as they depart and leave the street.</p>
M	No alcoholic drinks to be taken outside	<p>No alcoholic drinks in open containers to be taken off the premises including by persons wishing to exit to smoke.</p>

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N	First floor hours restrictions	There will be no regulated entertainment on the first floor between 23.00 hours and 10.00 hours the following day.
O	Noise	<p>The advice given in the acoustic impact assessment carried out by Blue Acoustics (NS363) to be observed, including:</p> <ul style="list-style-type: none"> • A Noise Limiting Device (Ashly Protea DSP360 in-line limiter) is installed to the sound system on the second floor to ensure the volume of music is pre-set and locked to 95dBA so as not to cause a noise nuisance to the occupiers of nearby buildings. • The NLD is an in-line limiter linked to the PA system which has been reviewed by a qualified acoustic specialist. If the system is changed at any point it will be re-approved by a specialist. • The device is lockable and capable of limiting signal output to the speaker system • The only amplification system used will be the house PA and no other sound equipment shall be used. • The NLD shall be maintained in full working order and at the pre-set volume (95dBA) whilst the amplification system is operational. Any damages or malfunction will be reported within 24 working hours of the damage being recorded. The NLD will not be used if damaged or malfunctioning until further approval.
P	Further staff training	<p>Further training programmes to be introduced for all staff relating to Screening and body language training (to include recognition of the early signs of intoxication, a change in body language, how to screen patrons on entry, how to recognise the antecedents to aggression and violence).</p> <p>Search methods training to include hand wands, drug awareness and dress code training.</p> <p>Emergency First Aid training and Bleed Control training to be introduced. (Premises to purchase a Bleed Control Kit).</p>
Q	General	<ul style="list-style-type: none"> • Clicker system to be used to control and keep a track on the correct number of patrons within the venue capacity limit. • Ensure event log sheets, door staff logs and incident logs are documented. • Security staff to be vigilant looking for patron behaviour change, unusual body language and any early signs of patrons being intoxicated. • Any unruly customers are not to be allowed entry and details to be documented in the incident log. Patrons banned from the premises to not be allowed entry documented by 24 hour CCTV recording, written statements from staff members and a signed management acknowledgment. • All complaints concerning unwanted noise generated by the premises to be directed to the duty manager. Duty manager to record and investigate the complaint, including

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		<p>date, time, name, cause and action taken. Reasonable and practical actions to be taken to reduce noise levels and monitor for the rest of the working period.</p> <ul style="list-style-type: none">• All managers to be fully aware and conversant with the 'Licence Plan August 2023' document. Staff to receive adequate training on new conditions and policies, all to be documented. A record of such training to be kept by management on site.• The premises to reinforce 'Challenge 25' policy as the proof of age scheme in operation during licensed hours. Any counterfeit documentation produced by any patrons will be recorded and logged with the ID scanner.
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Those matters detailed in the operating schedule and the relevant mandatory conditions under the Licensing Act 2003 will continue to form part of the licence issued.

The Sub-Committee's reasons for imposing the modification of the interim steps and the modification of the licence conditions 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, and which had been discussed at the Interim Steps meeting of 20th July 2023.

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 Ark Indian Dining & Bar Limited, as licence holder for The Ark Birmingham premises. Mr Jugdeep Singh, one of the company directors, attended the meeting, represented by a solicitor.

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 play the CCTV evidence in public would undermine an ongoing criminal investigation, and asked for the Sub-Committee to go into private session for the whole meeting. The solicitor for the premises licence holder had no objection to this course.

The Sub-Committee was a fresh panel of Members (not the same Members who had heard the evidence on 20th July 2023), and therefore none of them had seen the CCTV recording, which was an important part of the evidence. The Sub-Committee agreed 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 Police outlined the incident, as per the Superintendent's certificate in the Committee Report. Since the last Sub-Committee meeting in July 2023, discussions had been held between the Police and the licence holder. The Police had told the premises that they expected to see "robust and far-reaching" measures to lessen the likelihood of any further serious crime and/or serious disorder.

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The Police had examined the 'Licence Plan August 2023' document which the licence holder had submitted in advance of the meeting, and considered that the premises had properly considered the issues. The Police advised the Sub-Committee that if the measures in the 'Licence Plan August 2023' were to be adopted as conditions of the premises licence, the new procedures would be satisfactory.

The Police asked for two additional conditions – the first relating to entry after 00.00 hours/ re-entry, and the second relating to First Aid training. If these were to be added, the Police considered that the new conditions would be sufficient and adequate as an alternative to the current Interim Steps.

The solicitor for the premises then addressed the Sub-Committee to confirm that the Police had made it abundantly clear that nothing less than a complete overhaul of the licence conditions was required. Those at the premises had therefore carefully gone through all aspects of the operation to identify the risk areas, and the substantial document ('Licence Plan August 2023') had been the result. The premises had shown a willingness to make the fundamental changes required by the Police; equally, the Police had been supportive and had advised on what should be done.

Mr Jugdeep Singh also addressed the Members, to state that the incident on the night in question had been unacceptable. He asked the Sub-Committee to note that he personally had been "extremely embarrassed and upset" by what had happened. The solicitor reminded the Members that it had been one isolated incident, and had tarnished the premises' reputation. The licence holder had learnt a hard and expensive lesson. However, the licence holder was confident that the new, focused conditions were sufficient to identify and address the root cause of the issues which had led to an outbreak of serious crime and/or serious disorder.

In summing up, the Police observed that the incident had been "a very serious and sad moment" for The Ark Birmingham. The previous decision, to impose a suspension and removal of the designated premises supervisor, had been entirely correct at that time. However, in the intervening weeks the Police had been reassured by the efforts made by those at the premises to comprehensively tackle the areas of concern. The 'Licence Plan August 2023' document contained what the Police felt were some of the strictest conditions in the city; as such, the Police recommended that these conditions should replace the interim steps imposed at the previous hearing.

When deliberating, the Members were very concerned at how the events on the night in question had been handled, and indeed they agreed with Mr Singh's remark that the incident had been "appalling". However, since the imposition of interim steps at the previous hearing, the Sub-Committee noted the considerable efforts being made by the premises licence holder to remedy and improve the style of operation. The solicitor had called it a 'proactive' response; the Members accepted this, and were pleased to note that the lengthy document submitted by the premises, suggesting a suite of stringent conditions, had been approved by the Police as the correct course to take.

The Sub-Committee considers the modification of the interim steps and the modification of the licence conditions to be appropriate, reasonable and proportionate to address concerns raised, in particular the likelihood of further serious crime and/or serious disorder.

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In reaching this decision, the Sub-Committee has given due consideration to the City Council’s Statement of Licensing Policy, the Guidance issued by the Home Office under s182 of the Act, the application and certificate issued by West Midlands Police under s53A of the 2003 Act, the written representations made, and the submissions made by West Midlands Police, and by the licence holder company via its solicitor and company director, at the hearing.

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

The determination of the Sub-Committee, save for the maintenance of the interim step conditions as modified by the Sub-Committee during today’s meeting, does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the Appeal is determined.

Please note the meeting ended at 1226 hours.

CHAIR.....

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Monday 25th September 2023
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Asda Express, 573 Pershore Road, Harborne, Birmingham, B29 7DF
Ward affected:	Bournbrook and Selly Park
Contact Officer:	Bhupinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:
<p>To consider the 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 06:00am until 11:00pm (Monday to Sunday).</p> <p>Premises to remain open to the public from 06:00am until 11:00pm (Monday to Sunday).</p>

2. Recommendation:
<p>To consider the representations that have been made and to determine the application, having regard to:</p> <ul style="list-style-type: none"> • The submissions made by all parties • The Statement of Licensing Policy • The Public Sector Equality Duty • The s182 Guidance

3. Brief Summary of Report:
<p>An application for a Premises Licence was received on 1st August 2023 in respect of Asda Express, 573 Pershore Road, Harborne, Birmingham, B29 7DF.</p> <p>Representations have been received from other persons.</p>

4. Compliance Issues:
4.1 Consistency with relevant Council Policies, Plans or Strategies:
<p>The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.</p>

5. Relevant background/chronology of key events:

Asda Stores Limited applied on 1st August 2023 for the grant of a Premises Licence for Asda Express, 573 Pershore Road, Harborne, Birmingham, B29 7DF.

Representations have been received from other persons, which are attached at Appendices 1 – 10.

The application is attached at Appendix 11.

Site Location Plans at Appendix 12.

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

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

6. List of background documents:

Copies of the representations as detailed in Appendices 1 – 10
Application Form, Appendix 11
Site Location Plans, Appendix 12

7. Options available

To Grant the licence in accordance with the application.

To Reject the application.

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

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

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

From:

Sent: 06 August 2023 22:10

To: Licensing

Subject: Application for Premises licence, Asda express 573 Pershore Road.

Dear Sirs,

I am writing to express my strong objection to the granting of a licence for this premises to sell alcohol. This is a mostly residential area with many young families and elderly people, with business and commercial activity in the area pretty exclusively based around health. We already have issues with open drug dealing on Sir John's Road adjacent to the existing 24 hour garage and this licence and development as a whole will surely only exacerbate that situation as well as creating additional problems around anti-social behaviour late at night. In addition, there are some houses of multiple occupation in the area of which many of the residents have substance abuse issues, including alcohol and drugs.

Existing residents are already very well served for convenience stores and indeed late night alcohol purchase should they wish to do so, via the existing 2 convenience stores located less than 100 yards from this development.

However, the reality is that very few if any local residents use the existing facilities after 9pm, and they are used almost exclusively by either non-residents who are visiting the area purely to undertake criminal activity mainly around drug use or supply, or the hmo residents who are often transient and indeed often cause problems for longer term residents. Adding an alcohol licence to a 24 hour store is only going to increase the opportunity for such activity and will severely reduce the quality of life of local residents. Moreover, if this licence is granted, aside from the inevitable increase in criminal activity, residents will be impacted by noise and light pollution and entirely unnecessarily so, as there is no demand or requirement for such facility amongst residents.

The final point worth consideration is that in these times of financial stress, it would be particularly detrimental to the financial position of the most vulnerable in the area to have yet another convenience store, particularly one with an alcohol licence. Convenience store pricing being higher than supermarket pricing can cause unnecessary additional cost to families. Adding an alcohol licence exacerbates this further by making it easier for those with alcohol abuse problems to have access to alcohol.

I would strongly urge you to refuse this application and register my objection to it in the strongest possible terms.

Yours,

Sir John's Road

B29

From:
Sent: 21 August 2023 13:24
To: Licensing
Cc:
Subject: Objection Asda Express 573 Pershore Road Selly Park Birmingham B297DF

Dear licensing department

I would like to object to the Licensing application (Licensing Act 2003 application for a premises licence) for Asda Express 573 Pershore Road Selly Park Birmingham B297DF.

I am the Chair of the Selly Park Residents Community and although we have not had a scheduled meeting where we can discuss this I am sure there would be more objections were this brought to the attention of the committee.

The objections are as follows:

1. There are already 4 places in the area that sell alcohol - Marks and Spencer (at Petrol station) and a Nisa are a few hundred yards up the road and both are open 6am till 10pm. About 50 yards up from the site is the SLS mini mart and they are open 8am till 11pm. About 100 yards up the road is the Londis (at the petrol station) which is open 24 hours a day. This is in direct competition with the Londis.
2. The area is populated with lots of HMOs and this has created issues with shoplifting in the area so much so that the M&S has 2 security guards now in the shop at all times. They have blamed the type of people in the HMOs on the Pershore Road.
3. We already get disturbances from residents going to the petrol station through the night and the associated noise at all hours disturbing residents. More drunken or disorderly conduct will mean more nuisance for residents and more police interventions.
4. Litter is already an issue with the Costa on the same site. So much so that the residents committee Selly Park Property Owners Association had to make representations to Calthorpe estates and Calthorpe estates now have to do a regular litter pick. This facility with off site consumption would add to this.
5. The increased traffic on a nighttime would be a problem for residents living opposite and next to the site as well as general increased road noise.
6. This is a residential area and a conservation area in the main.
7. The increased opportunity for alcohol sales could be problematic for the drug addicts and alcoholics who live in the numerous supported HMOs close by.
8. The proximity to the park could mean an increase in alcohol consumption within the park. This will impact on noise levels for residents whose properties are adjacent, increased litter in the park and will increase the nuisance behaviour.

Many thanks

From:
Sent: 21 August 2023 17:34
To: Licensing
Subject: Licensing Act 2003 re Asda 573 Pershore Road Selly Park

I am writing on behalf of Selly Park Property Owners Association (SPPOA) to object to the licensing of the proposed ASDA shop for the sale of alcohol between 06.00 - 23.00 for 7 days a week at 573 Pershore Road. This build will border on Selly Park Conservation Area which is Preserved as a residential area of character. It borders with the Pershore Rd which presents problems for residents regarding the large number of HMOs and Except Housing with occupants creating anti-social behaviour as a result of alcohol and drugs. Within 100 yards there is a pub a Texaco petrol station and a convenience store all selling alcohol. Within 300 yards there is an NISA store and M&S store both selling alcohol. The M&S at the BP station have recently introduced security guards on the doors because of theft and anti-social behaviour. The local Police Community Officer would confirm this.

Increased litter, noise and traffic already presents problems for both residential areas either side of the Pershore Road.

We would request that you take notice of this objection in light of the increase of crime and anti-social behaviour not unrelated to the consumption of alcohol within this residential area.

Thank You

Chair SPPOA committee

From:

Sent: 22 August 2023 15:47

To: Licensing

Subject: Application for Premises Licence, Asda Express, 573 Pershore Road

Dear Sirs,

I write to strongly object to the granting of a Premises Licence for 573 Pershore Road, B29 7DF.

My reasons are as follows:

- We are a residential area - many houses with young families or elderly people - and are already well catered for in terms of late opening convenience stores. There is no demand from residents for this development.
- In our own road, there is frequent and blatant drug dealing outside the 24 hour petrol station. Any further development and licence will only serve to exacerbate this criminal activity, and encourage antisocial behaviour.
- There are many HMOs in the area - some, like the one next door to us - housing 'vulnerable' people with substance and alcohol abuse problems. Again, permitting this licence would only add to the existing problems we already have.
- In addition to the increase in criminal activity, residents will be subjected to general noise and light pollution late at night were the application to be granted.
- Were this development to go ahead, it would be detrimental to the existing convenience store on the corner of Sir John's Road.

For these reasons, I would be most grateful were you to refuse **this application.**

Yours sincerely,

Sir John's Road

B29

From:
Sent: 22 August 2023 20:40
To: Licensing
Subject: Asda Pershore Rd

To whom it may concern,

please accept this email as an objection to the request for an alcohol license from the Asda Selly Park Pershore Road.

The Pershore Road is a corridor of supported HMOs housing many people with serious addiction problems. To allow this license and its attendant supply of cheap alcohol would be unhelpful in the extreme and increase the problems we already experience. The sale of alcohol from this establishment with its proximity to Cannon Hill Park would also bring an increase of nuisance behaviour for residents whose homes are near by.

I could go on but suffice to say I object in the strongest terms to this request.
Yours sincerely

From:

Sent: 23 August 2023 14:27

To: Licensing

Subject: Proposed asda store opposite costa coffee on Pershore Roed

I wish to lodge an objection to this proposal for the following reasons:

Within a few hundred metres there are already two petrol stations with convenience stores plus two other convenience stores. Not only is a further store unnecessary, but it would have a detrimental impact on the income of the existing ones.

More worrying for Selly Park residents would be the introduction of yet another licensed outlet selling alcohol which would have an adverse effect on the neighbourhood.

Selly Wick Road

B29

From:

Sent: 24 August 2023 10:49

To: Licensing

Subject: Objection to proposed licence of ASDA store, Pershore Road, Birmingham B29

I wish to object the application for the proposed ASDA store on Pershore Road, Birmingham 29, to sell alcohol. There are already enough places selling alcohol in the vicinity, and there is a problem of anti-social behaviour from residents of HMOs along Pershore Road.

Selly Park Road
Birmingham B29

From:
Sent: 24 August 2023 15:31
To: Licensing <licensing@birmingham.gov.uk>
Cc:
Subject: Proposed ASDA store as per below

Dear Sirs

The Selly Pak Property Owners Association has submitted the following objection to the proposed ASDA store.

As a long time home owner, resident and rate payer in Selly Park I would like to support the objections to the proposed ASDA store as per the reasons given below. I am in total agreement with them.

There is no benefit to the local communities in Selly Park in having a plethora of alcohol outlets but rather it is more likely to encourage disruptive behaviours from the short term rental tenants in the area

SPPOA has objected to the proposed ASDA store on the land opposite Costa Coffee on the Pershore Rd obtaining a 06am-23.00 hours 7 days a week licence to sell alcohol on the basis this is an area already with several outlets selling alcohol. Pub, petrol station and convenience store all within 100yds of this site. There is a problem with anti- social behaviour mainly from residents in the HMOs and Exempt Housing along the Pershore Rd and in the proximity of the conservation area. This is an unnecessary new outlet for alcohol sales

If you agree with us please object to

I would hope the Committee will agree

Yours

From:
Sent: 26 August 2023 18:57
To: Licensing
Subject: Objection to proposed ASDA store on Pershore Rd

Dear Sir/Madam:

I am writing to express my objection to the proposed ASDA store on the land opposite Costa Coffee on the Pershore Rd obtaining a 06am-23.00 hours 7 days a week licence to sell alcohol on the basis this is an area already with several outlets selling alcohol. Pub, petrol station and convenience store all within 100yds of this site. There is a problem with anti-social behaviour mainly from residents in the HMOs and Exempt Housing along the Pershore Rd and in the proximity of the conservation area. This is an unnecessary new outlet for alcohol sales. Furthermore, a new supermarket is likely to have major effects on the road traffic on Pershore Road.

Please kindly consider my request to help preserve the tranquility of this area.

Yours faithfully

From:
Sent: 29 August 2023 19:11
To: Licensing
Subject: Asda store by Costa Coffee on Pershore Road

I write regarding the application for a licence to sell alcohol

I object to it on the basis that there are plenty of such outlets in the area (e.g Aldi, KSG petrol station, M&S/BP petrol station and Nisa convenience store) so an additional outlet selling each day from 6am to 11pm is unnecessary.

The area is seeing an increase in anti-social behaviour and another alcohol outlet will not help. It may be over simplistic to lay this at the increased exempt supported housing/HMOs on the Pershore Road but I think it is a fair assessment:

- By my own observations I am convinced that drug dealing is taking place in Kensington Road and on one occasion late at night it was most certainly to a man from a supported housing house on the Pershore Roda as I watched him stagger up Kensington Rd dressed in nothing more than a pair of shorts- no shoes! This is not normal behaviour.
- 10 days ago on a Sunday afternoon in Nisa store a female was hassling a male customer to give her money to buy alcohol saying that if she didn't take alcohol back to her house she would get beaten up. The customer refused so she threw 2p down on the counter and left the shop before the shop assistant could stop her. As I left a few minutes later she was standing on the pavement consuming the stolen can.
- I cannot verify this but I am told that the reason that M&S/BP have been having two security guards on their small store at the petrol station is to stop repeats of "attacks" by groups of people from the locality thieving from the store

Please help to make it harder for people to purchase alcohol in the area by refusing this license

Yours faithfully



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	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text" value="RJT.JB 84773.17380"/>	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?	<input checked="" type="radio"/> Yes <input type="radio"/> 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	<input type="text" value="ASDA STORES LIMITED"/>	
* Family name	<input type="text" value="ASDA STORES LIMITED"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if the applicant would prefer not to be contacted by telephone		
Is the applicant:		
<input checked="" type="radio"/> Applying as a business or organisation, including as a sole trader		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.
<input type="radio"/> Applying as an individual		
Applicant Business		
Is the applicant's business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	<input type="text" value="00464777"/>	
Business name	<input type="text" value="ASDA STORES LIMITED"/>	If the applicant's business is registered, use its registered name.
VAT number	<input type="text" value="GB"/> <input type="text" value="36201792"/>	Put "none" if the applicant is not registered for VAT.
Legal status	<input type="text" value="Private Limited Company"/>	

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Your position in the business

Continued from previous page...

Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
Agent Registered Address		Address registered with Companies House.
Building number or name	<input type="text" value="GOSSCHALKS LLP"/>	
Street	<input type="text" value="QUEENS GARDENS"/>	
District	<input type="text"/>	
City or town	<input type="text" value="HULL"/>	
County or administrative area	<input type="text" value="E YORKSHIRE"/>	
Postcode	<input type="text" value="HU1 3DZ"/>	
Country	<input type="text" value="United Kingdom"/>	

Continued from previous page...

Continued from previous page...

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	<input type="text" value="ASDA EXPRESS"/>
Street	<input type="text" value="573 PERSHORE ROAD"/>
District	<input type="text"/>
City or town	<input type="text" value="BIRMINGHAM"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B29 7DF"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text"/>

Section 3 of 21	
APPLICATION DETAILS	
In what capacity are you applying for the premises licence?	
<input type="checkbox"/> An individual or individuals	
<input checked="" type="checkbox"/> A limited company / limited liability partnership	
<input type="checkbox"/> A partnership (other than limited liability)	
<input type="checkbox"/> An unincorporated association	
<input type="checkbox"/> Other (for example a statutory corporation)	
<input type="checkbox"/> A recognised club	
<input type="checkbox"/> A charity	
<input type="checkbox"/> The proprietor of an educational establishment	
<input type="checkbox"/> A health service body	
<input type="checkbox"/> A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	
<input type="checkbox"/> 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	
<input type="checkbox"/> The chief officer of police of a police force in England and Wales	
Confirm The Following	
<input checked="" type="checkbox"/> I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities	
<input type="checkbox"/> I am making the application pursuant to a statutory function	
<input type="checkbox"/> I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative	
Section 4 of 21	
NON INDIVIDUAL APPLICANTS	
Provide name and registered address of applicant in full, Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.	
Non Individual Applicant's Name	
Name	<input type="text" value="ASDA STORES LIMITED"/>
Details	
Registered number (where applicable)	<input type="text" value="00464777"/>

Continued from previous page...

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

COMPANY

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

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

Provide a general description of the premises

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

COVENIENCE STORE

<i>Continued from previous page...</i>
If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend <input type="text"/>
Section 6 of 21
PROVISION OF PLAYS
See guidance on regulated entertainment
Will you be providing plays?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 7 of 21
PROVISION OF FILMS
See guidance on regulated entertainment
Will you be providing films?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 8 of 21
PROVISION OF INDOOR SPORTING EVENTS
See guidance on regulated entertainment
Will you be providing indoor sporting events?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 9 of 21
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS
See guidance on regulated entertainment
Will you be providing boxing or wrestling entertainments?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 10 of 21
PROVISION OF LIVE MUSIC
See guidance on regulated entertainment
Will you be providing live music?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 11 of 21
PROVISION OF RECORDED MUSIC
See guidance on regulated entertainment
Will you be providing recorded music?
<input type="radio"/> Yes <input checked="" type="radio"/> No
Section 12 of 21
PROVISION OF PERFORMANCES OF DANCE
See guidance on regulated entertainment

Continued from previous page...

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

Continued from previous page...

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY		Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
Start	End	
<input type="text" value="06:00"/>	<input type="text" value="23:00"/>	
Start	End	
<input type="text"/>	<input type="text"/>	
TUESDAY		
Start	End	
<input type="text" value="06:00"/>	<input type="text" value="23:00"/>	
Start	End	
<input type="text"/>	<input type="text"/>	
WEDNESDAY		
Start	End	
<input type="text" value="06:00"/>	<input type="text" value="23:00"/>	
Start	End	
<input type="text"/>	<input type="text"/>	
THURSDAY		
Start	End	
<input type="text" value="06:00"/>	<input type="text" value="23:00"/>	
Start	End	
<input type="text"/>	<input type="text"/>	
FRIDAY		
Start	End	
<input type="text" value="06:00"/>	<input type="text" value="23:00"/>	
Start	End	
<input type="text"/>	<input type="text"/>	

Continued from previous page...

SATURDAY

Start 06:00

End 23:00

Start

End

SUNDAY

Start 06:00

End 23:00

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

Continued from previous page...

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

Family name

Date of birth

<i>Continued from previous page...</i>	
Enter the contact's address	
Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text" value="PLHBC0143"/>
Issuing licensing authority (if known)	<input type="text" value="HALTON"/>
PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT	
How will the consent form of the proposed designated premises supervisor be supplied to the authority?	
<input type="radio"/> Electronically, by the proposed designated premises supervisor <input checked="" type="radio"/> As an attachment to this application	
Reference number for consent form (if known)	<input type="text"/> If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.
<i>Continued from previous page...</i>	
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.	
<input type="text" value="NONE"/>	
Section 17 of 21	
HOURS PREMISES ARE OPEN TO THE PUBLIC	
Standard Days And Timings	

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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.

Continued from previous page...
Continued from previous page...
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) List here steps you will take to promote all four licensing objectives together. Staff shall be trained in the premises licence holder's procedures which include liquor licensing and all checkout operators shall have additional training in the sale of alcohol. All spirits will be displayed behind the counter. No miniature bottles of spirits of 20cl or below shall be sold from the premises. Please note this does not apply to pre packaged gift packs which may contain a spirit miniature.
b) The prevention of crime and disorder A CCTV system will be installed and maintained at the premises. Cameras will cover internal areas and the external area immediately in front of the store. The system will be capable of continuously recording and copies of such recordings shall be kept for a period of not less than 31 days and handed to the Police or authorised person upon production of a compliant 'Access Request'. All spirits will be displayed behind the counter.
c) Public safety The premise licence holder seeks to comply with the requirements of the health and safety legislation.
d) The prevention of public nuisance
e) The protection of children from harm The store will have a till prompt system for alcohol products. When prompted, staff will adopt a Challenge 25 proof of age scheme. Only recognised forms of photographic identification such as Passport, Photo Driving Licence, 'Proof of Age' card, Military ID or any other form of identification agreed with the police will be accepted as proof of age. If the appropriate proof of age is not produced there will be no sale. Notices are to be prominently displayed advising customers of the Challenge 25 policy.
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.

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

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

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

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

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

Capacity 5000-9999 - £1,000.00

Capacity 10000 -14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

315.00

DECLARATION

DECLARATION

[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)

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.

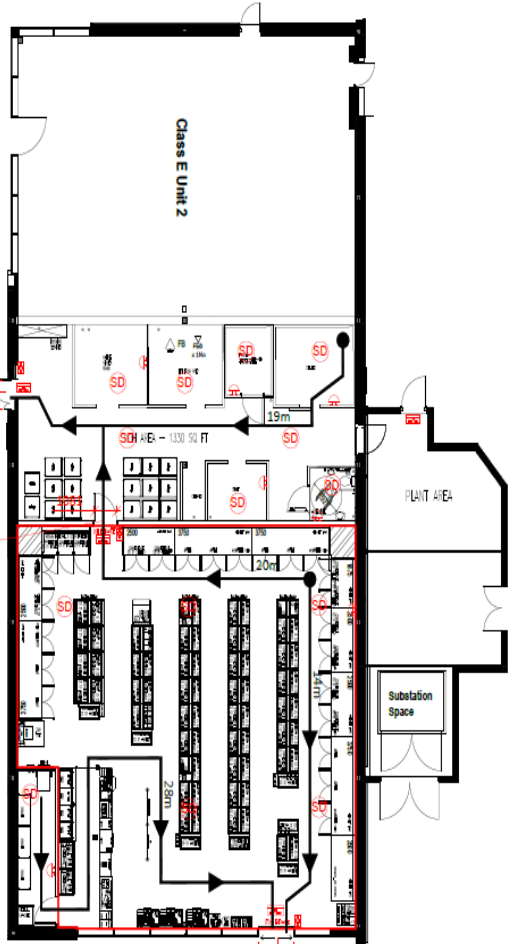
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

1. The drawings shall be read in conjunction with the following notes.
 2. In the absence of any other notes, the following notes shall apply.
 3. The drawings shall be read in conjunction with the following notes.
 4. The drawings shall be read in conjunction with the following notes.
 5. The drawings shall be read in conjunction with the following notes.

For signage and equipment for the Class E Unit 2.
 See the notes on the drawings for the Class E Unit 2.
 See the notes on the drawings for the Class E Unit 2.

For signage and equipment for the Substation Space.
 See the notes on the drawings for the Substation Space.
 See the notes on the drawings for the Substation Space.



LEGEND

GENERAL NOTES

- 1. The drawings shall be read in conjunction with the following notes.
- 2. In the absence of any other notes, the following notes shall apply.
- 3. The drawings shall be read in conjunction with the following notes.
- 4. The drawings shall be read in conjunction with the following notes.
- 5. The drawings shall be read in conjunction with the following notes.

GENERAL EQUIPMENT

- 1. For signage and equipment for the Class E Unit 2.
- 2. For signage and equipment for the Substation Space.

ASDA
 ASBESTOS SURVEILLANCE & TESTING

EDGASTON
 ELECTRICAL ENGINEERING

BWS LICENCE APPLICATION

NO.	DESCRIPTION	DATE	STATUS
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

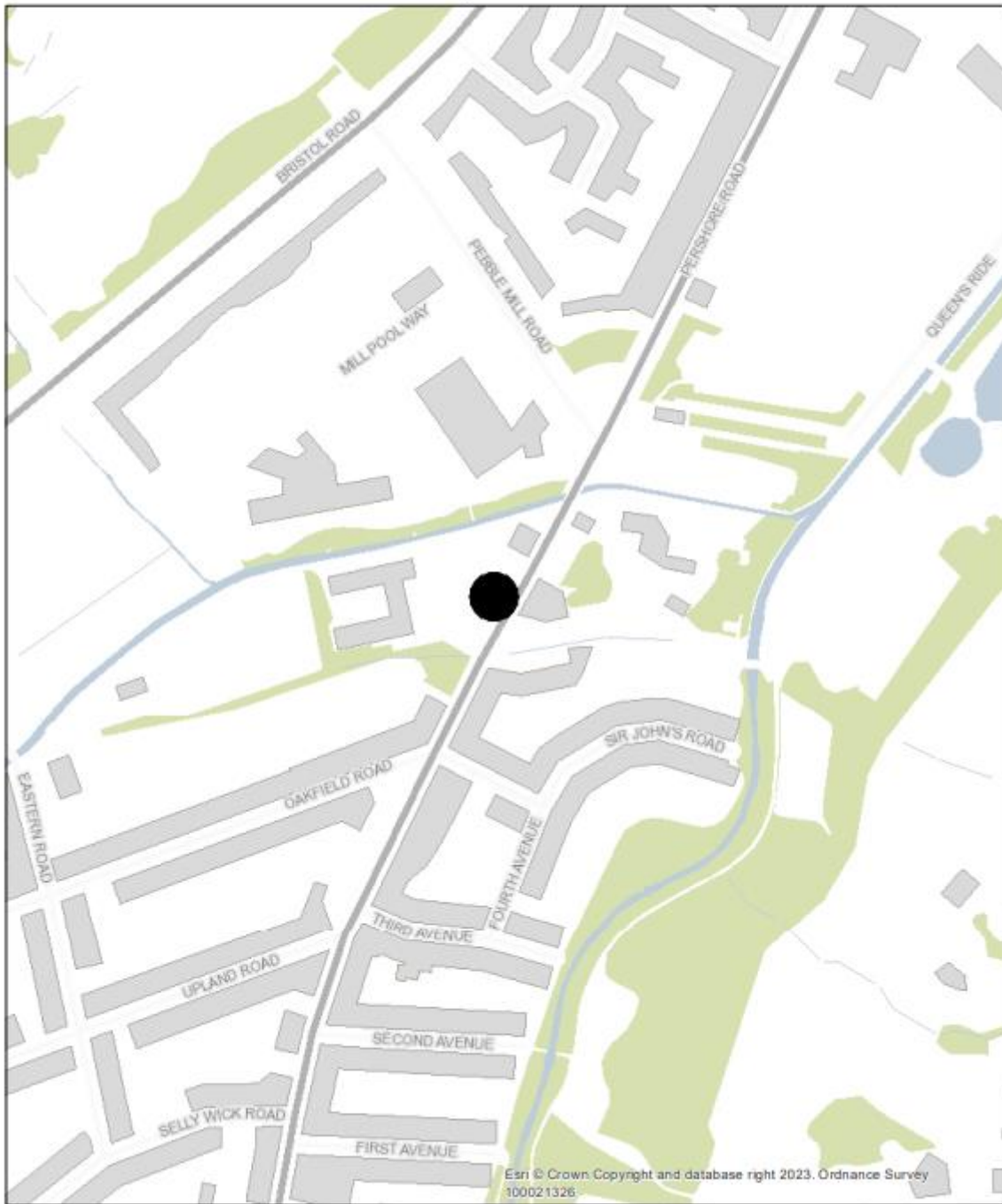
SCALE
 1:1

SPR-02-00-0010

GROUND FLOOR

BWS LICENCE

Feet	6'	6'6"	7'	7'6"	8'	8'6"	9'	9'6"	10'	10'6"	11'	12'	13'	14'	15'	16'
mm	1830	2000	2100	2300	2400	2600	2700	2900	3000	3200	3300	3700	4000	4200	4600	4800



Blomfield

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