

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE A

MONDAY, 06 NOVEMBER 2023 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

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

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 DECLARATIONS OF INTERESTS

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

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

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

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

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

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3 - 13

4 **MINUTES**

To note the public part of the Minutes of the meeting held on 16 October 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

14 - 44

5 **LICENSING ACT 2003 PREMISES LICENCE – GRANT BURGER AND SAUCE, 55 BIRMINGHAM ROAD, SUTTON COLDFIELD, B72 1QF**

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 16 October 2023 at 1000 hours and to confirm and sign the Minutes as a whole.

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

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

BIRMINGHAM CITY COUNCIL

<p>LICENSING SUB-COMMITTEE A 16 OCTOBER 2023</p>

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE A HELD ON MONDAY 16 OCTOBER 2023 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Mary Locke in the Chair;

Councillors Izzy Knowles and Julien Pritchard.

ALSO PRESENT

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)

1/161023 **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.

2/161023 **DECLARATION OF INTERESTS**

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

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

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

Information on the Local Government Association's Model Councillor Code of Conduct is set out via <http://bit.ly/3WtGQnN>. This includes, at Appendix 1, an

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

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/161023 Apologies were submitted on behalf of Councillors Phil Davis and Simon Morrall and Councillor Izzy Knowles and Julien Pritchard was the nominated substitute Members.

MINUTES

4/161023 The Public section of the minutes of the meetings held on 25 September 2023 at 1000 hours were noted.

The minutes of the meeting held on 11 September 2023 at 1000 hours and 25 September 2023 at 1130 hours were circulated and confirmed and signed by the Chair.

LICENSING ACT 2003 PREMISES LICENCE – SUMMARY REVIEW, ZULU BAR AND RESTAURANT, UNIT 1, 105-127 BREARLEY STREET, NEWTOWN, BIRMINGHAM, B19 3XJ

On Behalf of the Applicant

Ben Reader – WMP (West Midlands Police)

On Behalf of The Premises Licence Holder

Kerry Cox – Agent

Michael Kahsay – PLH (Premises Licence Holder)

Alex Michael – proposed DPS (Designated Premises Supervisor)

* * *

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

Ben Reader raised as a preliminary matter that there was CCTV footage that some Members may not have seen, if the Committee wanted to view it then it should be viewed in private due to the on-going investigation. Furthermore, he wanted the Committee to note that the CCTV footage was not in dispute by the premises and therefore, they may not deem in necessary to view it.

The Chair gained the views of all parties who were happy for the CCTV to be screened in private and confirmed that Members would like to view the footage.

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

At this stage all parties went into the private session in order that Ben Reader, WMP could screen the CCTV footage.

EXCLUSION OF THE PUBLIC

5/161023

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 Schedule 12A of the Local Government Act 1972.

Following the submissions made in private the public were re-admitted to the meeting.

At this stage the chair invited the applicant to make their presentation and Ben Reader, WMP made the following points: -

- a) That on 17 September 2023 a 999 call was made, and it was reported that there had been a disturbance at the premises.
- b) The officers confirmed that one male had facial injuries and a disorder had started inside the premises which resulted in a male employee being glassed by a customer. The incident was recorded as a Section 18 wounding and was a serious offence. The incident triggered an application for Expedited Review.
- c) An aggravating factor was that the incident took place before any licensable activity was permitted.
- d) At the Expedited Review hearing the Committee resolved to suspend the licence as an interim step, which was wholly appropriate and proportionate in order to safeguard the public.
- e) Due to the lack of confidence WMP had in the operator and the fact he failed to attend the Expedited Review hearing, Ben Reader personally delivered the decision notice to him to ensure he understood that he could not trade in the interim period.
- f) Ben Reader went back to the premises the next day to check that they had not traded and was pleased to see that all alcohol had been removed from the premises and the taps were covered up. He spoke with the PLH who was apologetic and was honest about what had happened on the night of the incident and was adamant he would not make any further mistakes.

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- g) The decision notice issued by the City Council noted that Members did not have confidence in the management style of the operator/PLH and did not have confidence that he could uphold the licensing objectives. Ben Reader confirmed that he agreed with that statement, the PLH had only had his personal licence issued for a few weeks/months. However, he was concerned that the training issued to the PLH was insufficient and he should not have been given a personal licence.
- h) There was a language barrier as English was not the PLH's first language.
- i) Ben Reader stated that he was questioning how the PLH was trained at all, or understood the licensing objectives.
- j) That due to Public Sector Equality issues he did not think it fair to revoke the licence and believed that the main issue was the poor-quality training which resulted in the PLH being unaware of his responsibilities as a PLH.
- k) WMP were not asking for revocation.
- l) They wanted to work with the PLH to ensure he fully understands his obligations.
- m) He had been removed as the DPS which was the correct course of action.
- n) That WMP's position was that having a separate DPS and PLH would be an additional check and balance of the way the premises operated.
- o) Proper training needed to be carried out and audited. Training also needed to be on-going.
- p) That ultimately the decision was at the hands of the Committee.
- q) WMP agreed completely with the decision at the interim steps meeting but the position had changed since then.

The Chair then invited Kerry Cox on behalf of the PLH to make her submission and address the Committee on who would be conducting the training.

Kerry Cox on behalf of the PLH made the following points: -

- a) That herself or Duncan Craig (Barrister) would be conducting the training.
- b) The PLH understood how serious the situation was and how important it was to get things right moving forwards.
- c) The PLH was also a private hire taxi licence holder which was issued by Birmingham City Council in 2017. To become a taxi driver, it was required that the person be fit and proper, trustworthy and honest. He had been a taxi driver for 6 years without cause for concern.
- d) The PLH was willing to engage with WMP.

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- e) The new DPS application had already been submitted.
- f) The new proposed DPS was also a taxi driver in Birmingham.
- g) The plan moving forward was the engage, explain, educate, and enforce.
- h) The current condition regarding training was not very detailed and they had submitted a modification to that condition (she read this out for Members, but it is also at page 46 of the report).
- i) The training was very important, and they had engaged with WMP in relation to training. They would ensure that there was full understanding of the conditions and the licensing objectives.

The Members asked questions and Kerry Cox gave the following responses: -

- a) The proposed DPS carried out his personal licence training in 2008.
- b) That Alex Michael's English was much better than the PLH and therefore he would be there to provide anything that's lacking.
- c) Ms Cox confirmed she had no submission to make regarding the Public Health representation.
- d) The proposed DPS got his taxi licence in 2015 and his personal licence in 2008.
- e) The PLH received his personal licence training from an authorised training provider in July 2023.

Members asked questions and Alex Michael, proposed DPS, gave the following responses: -

- a) That he had been a taxi driver in Sandwell before but got his taxi licence in Birmingham in 2015.
- b) He had no experience managing/running a licensed premises before.
- c) He had received a training refresher course last week in relation to his personal licence.

The Chair invited closing submissions and Ben Reader, WMP made the following statements: -

- That the PLH seemed like a genuine person who had been let down by not being properly trained.
- WMP were confident that new and proper training would be the appropriate measure.

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- The premises could trade with modified conditions, the removal of the DPS and a new DPS.

Then Kerry Cox was invited to make a closing submission on behalf of the PLH, he made the following closing statements: -

- That it was important to consider what WMP had said, with training and continued engagement it would ensure the Licensing Objectives could be properly promoted and upheld.
- That the Committee consider the modification of the conditions of licence proposed by themselves and agreed by WMP.

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;

6/161023

RESOLVED:-

That having reviewed the premises licence held under the Licensing Act 2003 by Michael Kahsay in respect of Zulu Bar and Restaurant, Unit 1, 105-127 Brearley Street, Newtown, Birmingham B19 3XJ, 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 conditions of the licence be modified as follows:

TRAINING

- Training in relation to the licensing objectives and the conditions on the premises licence, Challenge 25, underage sales, sales to adults on behalf of minor (proxy sales), sales to intoxicated persons, refusals registers and incident records must be provided and undertaken by all members of staff (whether paid or unpaid) before he/she makes a sale or supply of alcohol and at least every six months thereafter
 - Documented training records must be completed in respect of every member of staff and must include the name of the member of staff trained, date, time and content of the training. The record must be signed by the member of staff who has received the training, the designated premises supervisor, the premises licence holder or external training providers
 - Documented training records must be kept at the premises and made available to West Midlands Police or an Officer of a Responsible Authority on request, or during an inspection
2. That the interim steps imposed at the last meeting be modified, namely that the suspension and the removal of the designated premises supervisor be lifted, and replaced with the above conditions relating to training

The Sub-Committee recommends that the training be undertaken as a matter of urgency. Those matters detailed in the operating schedule and the relevant

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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 21st September 2023.

The Sub-Committee determined 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 was the responsibility of Michael Kahsay, who was both the licence holder and the designated premises supervisor for the Zulu premises. Mr Kahsay attended the meeting, accompanied by a representative; also in attendance was a Mr Michael, who was the proposed new designated premises supervisor.

Part of 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 recommended that if the Sub-Committee wished to view the CCTV which had been played at the interim steps meeting, it ought to go into private session for that part of the meeting. The representative for the premises licence holder had no objection to this course.

The Sub-Committee was a fresh panel of Members (not all the same Members who had heard the evidence on 21st September 2023). Only one of them had seen the CCTV recordings, which were an important part of the evidence. The Sub-Committee determined that the CCTV evidence should be played, and agreed that it should be played in private session.

After the CCTV was played the Police outlined the incident, as per the Superintendent's certificate in the Committee Report. Since the interim steps meeting, further discussions had been held between the Police and the licence holder; following these, the Police had come to the conclusion that "the offence was preventable if the licence holder had been trading in accordance with his licence and promoting the licensing objectives".

The Police had been grateful that at the previous meeting the Sub-Committee had taken decisive action and immediately suspended the licence. The Police considered that, at the time, this had been the correct measure, as it had meant that the premises could no longer trade, which had safeguarded the public.

The Police had visited the premises with the Decision Notice from the interim steps meeting, to inform the licence holder that his licence had been suspended and he could no longer sell alcohol. They then returned the following day to ensure that this had been done, and were pleased to see that all alcohol had been removed from sale. The licence holder had been "very apologetic, very

honest about what happened”, and had said to the Police that there would be “no more mistakes”.

This had reassured the Police. Whilst they had not had confidence in the management style of the licence holder, who was also the designated premises supervisor, at the time of the interim steps meeting, their view had changed following the steps taken by the licence holder in response to the decision made by the Sub-Committee. They felt that he had shown accountability in immediately removing alcohol from sale, and apologising.

The Police advised that the central issue was that the licence holder had not understood his responsibilities as a licence holder; they felt that this was perhaps attributable to the fact that he had only become a personal licence holder very recently (in July 2023). He had been “involved with the business before, but there had been some sort of internal change around” with his business partner.

Whilst he had taken sole control of the premises as licence holder and as designated premises supervisor, the Police concern was that the training he had had was insufficient for him to understand what was needed to promote the licensing objectives. They had also noted that there was perhaps a language barrier.

Bearing that in mind, and paying particular regard to the public sector equality duty, the Police had concerns that if they were to ask for revocation of the licence based on the facts that they had seen, that this lead to a disproportionate outcome, as they did not consider that the licence holder was entirely to blame for the incident. The Police view was that the issue was the “poor training” that he had received, and they questioned how he had managed to get a personal licence without fully understanding what his responsibilities were as a licence holder.

The Police felt that the correct course had been to try and work with the licence holder in an “education and engagement” approach, to make sure that he fully understood what he should be doing as a licence holder. The licence holder’s representative had proposed that a new designated premises supervisor would be put in place. The Police considered that this would be “an additional check and balance to the way in which the premises operates”, as there would be two people accountable.

This gave the Police confidence that the licensing objectives would be promoted – two personal licence holders would be managing Zulu. Moreover, a requirement for comprehensive training, such that the licensing objectives were completely understood, would ensure safe trading. Therefore, whilst the Police had asked for interim steps at the previous meeting, they were now taking a different position based on the interactions they had had with the licence holder and with his representatives.

The licence holder’s representative then addressed the Sub-Committee to introduce the proposed training conditions, which had been drafted by her and submitted (just before the meeting began) for Members to examine. She confirmed that the training would be delivered by persons with the proper

expertise. She confirmed that the licence holder understood the seriousness of the situation.

In addition to being a premises licence holder, Mr Kahsay was also the holder of a private hire driver licence - issued by Birmingham City Council in 2017. He had therefore met the requirements to be a fit and proper person, and to act with honesty and integrity, which were necessary for a private hire driver licence. He had not caused any concern as a taxi driver.

The representative remarked that the licence holder had been willing to engage with the Police because he understood his responsibilities. He had become involved with the Zulu premises as he had wanted to engage with his community more, and to have more opportunity to spend time with his wife (as his wife worked in the kitchen at the premises); he also needed another form of income.

The new designated premises supervisor was also a taxi driver with a licence issued by Birmingham City Council, and had been so since 2015. He too had never been any cause for concern as a taxi driver. He was keen to engage with the Police and to carefully follow the training proposed.

In response to Member questions, the new designated premises supervisor confirmed that he had been a taxi driver since 2015 in Birmingham, and before that in Sandwell. However, he had not run any licensed premises, or indeed done any job involving the sale of alcohol, since gaining his personal licence in 2008. The Members were surprised to hear this.

The representative confirmed that the new designated premises supervisor would be included in the comprehensive training; she observed that he would be “making sure we fully understand” as he did not have any language difficulties.

The Sub-Committee was aware that a written representation had been made by Public Health of Birmingham City Council; this was included in the Committee Report. The representative had no comment to make about this.

In summing up, the Police observed that they felt that the licence holder was “a genuine man who was trying to operate a business”, but that he had been let down by not being properly trained; they felt that the language issue was possibly to blame in this regard. The Police felt confident that new and proper training would be an appropriate measure, together with a new designated premises supervisor in place.

Regarding the interim steps imposed at the previous meeting, the Police confirmed that the step of suspension was no longer required. The Police were content for the licence to remain in force with the modified conditions (addressing the training needs). A variation had been submitted regarding the new designated premises supervisor.

The representative concluded by observing that with the training and the continued engagement requested by the Police, the premises would be able to ensure that the licensing objectives would be upheld.

When deliberating, all three Members had considerable reservations about the proposal, due to the lack of experience of the new designated premises supervisor, who had no background whatsoever of taking responsibility for alcohol sales. The Members therefore found it somewhat surprising that the Police had suggested that it would be sufficient for the Sub-Committee to simply adopt modifications to the conditions, and thereafter the premises would be allowed to continue trading under a person who was completely inexperienced. The Sub-Committee felt that the obvious concern was that a second incident of serious crime and/or serious disorder could occur.

Furthermore, the Sub-Committee noted that the written representation submitted by Public Health stressed the level of responsibility expected from those conducting alcohol sales, and the negative consequences which followed from failures to uphold the licensing objectives.

However, the Sub-Committee was also mindful of the Guidance issued by the Secretary of State under s182 of the Act, which confirmed at paragraph 2.1 that the Police were the experts in the prevention of crime and disorder; for that reason, the Sub-Committee was prepared to take the course suggested by the Police, and to lift the interim steps, replacing them with the modified conditions regarding training, and also adopting these conditions onto the licence.

The Members noted that both of the persons who would be running the premises had been holders of private hire driver licences for years, and had not come to the attention of the City Council for any matter relating to taxi driving.

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.

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, the submissions made by West Midlands Police, and the submissions made by the licence holder and new designated premises supervisor via their representative, 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 1134 hours.

Chair.....

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Monday 6th November 2023
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Burger and Sauce, 55 Birmingham Road, Sutton Coldfield, B72 1QF
Ward affected:	Sutton Trinity
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:
<p>To consider representations that have been made in respect of an application for a Premises Licence which initially sought to permit the provision of Late Night Refreshment to operate, indoors only, from 11:00pm until 03:00am (Monday to Sunday).</p> <p>After discussions with West Midlands Police and Environmental Health the applicant has agreed to amend the scope of the application. The provision of Late Night Refreshment will operate from 11:00pm until 01:30am, with delivery only from 12:30am (Sunday to Thursday) and 11:00pm until 02:00am, with delivery only from 01:30am (Friday and Saturday). Their agreed times and conditions are attached to the report at Appendix 9.</p> <p>Premises to remain open to the public from 11:00am until 01:30am (Sunday to Thursday) and 11:00am until 02:00am (Friday and Saturday).</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 14th September 2023 in respect of Burger and Sauce, 55 Birmingham Road, Sutton Coldfield, B72 1QF.</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:

SH & AM Foods Limited applied on 14th September 2023 for the grant of a Premises Licence for Burger and Sauce, 55 Birmingham Road, Sutton Coldfield, B72 1QF.

Representations have been received from other persons, which are attached at Appendices 1 – 7.

The application is attached at Appendix 8.

Conditions, including amendments to the scope of the application, which have been agreed with West Midlands Police, Environmental Health and the applicant, are attached at Appendix 9.

Site Location Plans at Appendix 10.

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 – 7.

Application Form, Appendix 8.

Conditions and amendment to the application agreed with West Midlands Police and Environmental Health, Appendix 9.

Site Location Plans, Appendix 10.

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.

From:

Sent: 16 September 2023 13:58

To: Licensing

Subject: Objection to licence application - 170061

Hi there,

I would like to object to the above licence for the following premises:

Burger & Sauce
55 Birmingham Road
Sutton Trinity
Sutton Coldfield
B72 1QF

The have applied for a licence to open from 11pm til 3am Monday to Sunday.

I am objecting to these opening hours. I live in the Birmingham Road just opposite from the premises. Despite this being a main road, this is a residential area. We currently have take aways and restaurants here that close by 11pm along with shops. People live above these shops and along the Birmingham Road and neighbouring streets. Allowing a 'take away' and restaurant to be open til the early hours of the morning is just not acceptable to residents. It will create extra traffic in the early hours of the morning causing more noise of both the cars (often with very loud engines and exhausts) and also noise from the people coming in and out.

We currently have delivery drivers parking wherever they feel they can and standing outside talking to each other loudly. This already causes noise disruption but currently stops when the restaurants close at 11pm. It is not acceptable for this to continue into the early hours which would happen if the license was granted.

Cars regularly park on the Birmingham Rd outside this restaurant, in neighbouring streets and also in the parking area directly opposite Tescos, which is opposite my house. They wait for food or sit in their cars eating their food with extremely loud speakers and music playing, causing disturbance to me and other residents. Any extension of opening hours would just create more of this into the early hours. Residents need to be able to sleep without noise disruption continuing til the early hours. No other restaurants or take aways have hours after 11 in this area and for good reason. Burger and sauce is also towards the end of the row of shops and right by and opposite residential housing - it is NOT in an area of purely shops and restaurants.

We already have issues with litter and rubbish from take away litter too - I have previously emailed the local councillor many many time regarding this. Again this will add to this.

There is also an issue with drug dealing & drug taking around the area. Late night opening will allow more of this illegal activity to occur in the surrounding streets too.

I strongly object to any extension in their opening hours. I do not believe any staff member can make sure there is no noise disruption to residents and frankly I'm shocked anyone would consider opening until 3am in a residential area.

I really hope you take residents views seriously and reject this application.

Kind regards

Birmingham Road
Sutton Coldfield
B72

From:
Sent: 20 September 2023 13:47
To: Licensing
Subject: Licence application 170061

I would like to strongly object to Burger & Sauce extending their licence till 3am.

Licence application 170061
Burger & Sauce
55 Birmingham Road
Sutton Coldfield
B72 1QF

Burger and Sauce is at the end of a street full of eateries and bars that to my knowledge close between 11pm-1am. They are 3 shops away from a residential street, with residential houses opposite, there is no parking outside any of these eateries and the nearest parking is on While Road, a residential road. This road has also recently been issued with anti social behaviour signs on the lamp posts as we have already issues with noise after the pubs close, gangs congregating on corners/ walls and drug dealers.

When Kwikfit (on the corner of Birmingham Road/ While Road)close at 6pm of an evening their car park/ frontage is a continual car park for pub and restaurant users, visitors to Tescos or people picking up takeaways, this is very noisy and the only saving grace to this is that everyone has left the area by 11pm. If they stay open till 3am While Road and the car parking spaces in front of Tesco and Kwikfit will be a magnet also for taxi drivers , and the noise disruption to the local residents is not acceptable.

Already delivery drivers, taxis, people getting takeaways, diners at restaurants, park wherever they like, playing music in their cars, talking loudly whilst saying goodnight to each other when their car is parked literally outside your house any extension of opening hours will cause much distress to myself and the local residents. This is a highly populated residential area , many families live here and we all have a right to sleep.

This is not an area purely of shops and eateries and I'm shocked anyone would consider opening till 3am.

Many thanks for reading my email, I hope you take the local residents view's seriously and reject this application.

Kind Regards

From:
Sent: 27 September 2023 10:07
To: Licensing
Subject: 170061. Burgers and Sauce trading at 55 Birmingham Road, Sutton Coldfield.

Dear Sir, Madam

I wish to object to the licence request to stay open to 3am 7 days a week by Burgers and Sauce trading at 55 Birmingham Road, Sutton Coldfield.

There is a similar premise, which operates with much shorter hours than is being requested here, that is better located from a resident perspective, ie towards the town centre and not directly over accommodation or directly facing accommodation. In addition this premise is much closer to houses on Birmingham Road and While Road.

I believe this application has significant potential for noise nuisance traffic issues as there is no parking on the road allowed at this location, again unlike Papas takeaway further along Birmingham Rd. This location is completely wrong for a late night takeaway. It will simply attract people at all hours with the potential for additional litter, noise and nuisance behaviour, in addition to delivery drivers and customers not complying with any parking restrictions at this site. There is no parking permitted on the road at this site and indeed parking on the pavement I'm sure is not permitted but not enforced at all already. With residents nearby cars should not be coming and going up and down curbs across footways and under apartments in my view.

I should add that the operating hours of Papas are not ideal, with significant litter issues already clear on any late night operation.

So the issues I foresee are noise, nuisance, anti social behaviour and given police staffing etc a potential for increased crime in the area.

Regards

From:

Sent: 03 October 2023 17:09

To: Licensing

Subject: Objection to Premises Licence by SH & AM Foods Limited at 55 Birmingham Road, Sutton Coldfield

Importance: High

Dear Sir/Madam

I am writing to strongly object to the above licence being granted for 'late night refreshments' from 11pm to 3am (!) – I live in one of the flats above the shops and am very concerned that a shop opening at these **very unsocial hours** will impact on being able to sleep at night.

I already have the disturbance caused by Bar 28 which often exceeds permitted hours for music.

I look forward to your response advising what the process is and how my objection will be processed.

Kind regards.

(*Birmingham Road, B72*)

From:
Sent: 04 October 2023 14:26
To: Licensing
Subject: Representation

Good afternoon

I would like to submit a representation in relation to the proposed late night refreshments venue at 55 Birmingham road, Sutton Coldfield, B721QF for SH & AM Foods Limited.

As a resident who lives above the proposed venue I have concerns in relation to potential anti social behaviours, noise and litter that such a venue would attract.

We not so long ago had a late night bar open opposite this site which has resulted in many sleepless nights due to the music and drunken crowds that gather, not to mention the anti social behaviours we have witnessed and reported to police as a result including urination in shop frontages, bottles being thrown and smashed and the shouting and noise they create way after 11pm into the early morning throughout the week.

We feel strongly that another new venue that attracts this kind of customer will only worsen the issues we face already and contribute further to the gathering of drunken crowds late into the evening early morning when residents are trying to enjoy their homes in peace.

If you could provide further information into the proposed venue and what exactly they will be providing, that would help to be able to provide you with a clearer representation of our concerns.

Kind regards

Birmingham road

From:

Sent: 12 October 2023 22:55

To: Licensing

Subject: Objection to Licence Application Number 170061 Burger and Sauce

Dear Sir/Madam

Objection to Licence Application Number 17006155

Address:

55 Birmingham Road

Sutton Trinity

Sutton Coldfield

B72 1QF

Trading name: Burger and Sauce

I strongly object to the late night licence application by Burger and Sauce at the above address.

This is a residential area and is completely unsuitable for this type of business at late hours.

There will inevitably be noise from late night customers, waiting delivery drivers, car engines and doors slamming.

I am not reassured by Burger and Sauce's comments in the application regarding staff training for anti-social behaviour. There is already plenty of litter marked with their logos. The staff make no attempt to remove this even when it is within 1m of their doorway.

It is regrettable, but late night food venues and take-aways often create noise and attract anti-social behaviour. As residents, we simply do not want this on our doorstep. Please listen to us and refuse this licence application.

Best regards

While Road

Sutton Coldfield

B72

From:
Sent: 12 October 2023 23:04
To: Licensing
Subject: Ref Burger & Sauce 55 Birmingham Road B72 1QF

Dear Sir/Madam

I would like to object to the above licence request for the following premises:

Burger & Sauce
55 Birmingham Road
Sutton Trinity
Sutton Coldfield
B72 1QF

They have applied for a licence to open from 11pm til 3am Monday to Sunday.

I am objecting to these opening hours. I live in While Road very close to the premises. This is a residential area with some commercial/restaurant activity. Currently take aways and restaurants on this side of the road close by 11pm. People live along the Birmingham Road and neighbouring streets so it is not just While Road that will be affected). Allowing a 'take away' and restaurant to be open until the early hours of the morning is just not acceptable to residents. It will create extra traffic in the early hours of the morning causing noise issues with engines running and doors slamming and loud music etc.

We already have problems with litter, rubbish and noise with 11 o'clock closing. There is also an issue with drug dealing & drug taking around the area and a late night opening could encourage more of this activity to occur.

I strongly object to any extension in their opening hours. I do not believe any staff member can make sure there is no noise disruption to residents as they are currently not even capable of keeping the area in front of their premises litter free(from their own litter)

Please do not grant this extension. If Burger & Sauce wish to operate these hours they should not have opened near residential streets but should be in the town centre.

Kind regards

While Road

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

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

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

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

Registration number

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

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

Legal status

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

Continued from previous page...

Your position in the business	<input type="text" value="Director"/>	
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="9"/>	
Street	<input type="text" value="George Arthur 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="B8 1LN"/>	
Country	<input type="text" value="United Kingdom"/>	

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="Burger & Sauce 55"/>
Street	<input type="text" value="Birmingham Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Sutton Coldfield"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B72 1QF"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="9,481"/>

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**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

Details

Registered number (where applicable)

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

Continued from previous page...

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.

THE PREMISES IS A THREE STOREY TYPE COMMERCIAL PROPERTY WHICH HAS A DINING AND KITCHEN/PREPERATION AREA ON THE GROUND FLOOR AND STORAGE IN THE BASEMENT. THE PREMISES CURRENTLY SELLS HEALTHY GRILLED BURGERS AND REFRESHMENTS.
INDOOR SEATING IS PROVIDED SHOULD CUSTOMERS WISH TO EAT INSIDE THE PREMISES.

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

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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

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

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

Continued from previous page...

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

- Indoors Outdoors Both

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

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

PROVISION OF FOOD AND REFRESHMENT.

THERE IS NO ADULT ENTERTAINMENT OR SERVICES, ACTIVITIES, GAMBLING AND OTHER ENTERTAINMENT PROVIDED.

State any seasonal variations

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

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

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

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

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ADULT ENTERTAINMENT

Continued from previous page...

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.

THERE IS NO ADULT ENTERTAINMENT OR SERVICES, ACTIVITIES, GAMBLING AND OTHER ENTERTAINMENT PROVIDED.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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.

Continued from previous page...

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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.

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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.

CRIME, DISORDER, PUBLIC SAFETY AND PUBLIC NUISANCE WILL BE CONTAINED BY TRAINED MEMBERS OF STAFF SHOULD ANY INCIDENT HAPPEN THE RESPONSIBLE AUTHORITY WILL BE NOTIFIED. CCTV IS IN OPERATION 24/7 WITH NOTICES/SIGNS CONTAINING WARNINGS TO USERS. THE CAFE WILL ALSO HAVE AT LEAST 1NO. MEMBER OF STAFF WHO WILL BE TRAINED FOR FIRST AID.

b) The prevention of crime and disorder

SIGNAGE WILL BE PUT UP TO STATE ANY PERSONS TO CAUSE A NUISANCE, FIGHTING OR ANY DRUG RELATED OFFENCES WILL BE BANNED FROM THE PREMISES. SHOULD ANY SERIOUS INCIDENCES OCCUR MEMBERS OF STAFF WILL NOTIFY THE RESPONSIBLE AUTHORITY. CCTV WILL BE INSTALLED TO THE SATISFACTION OF WEST MIDLANDS POLICE. THIS WILL BE IN OPERATION WHENEVER THE PREMISES IS OPEN TO MEMBERS OF THE PUBLIC. IT WILL MAINTAIN RECORDINGS FOR 28 DAYS. THE RECORDINGS OF WHICH WILL BE MADE AVAILABLE IMMEDIATELY BY A MEMBER OF STAFF ON REASONABLE REQUEST OF A RESPONSIBLE AUTHORITY.

c) Public safety

THERE WILL BE AT LEAST ONE MEMBER OF STAFF WHO HAS FIRST AID TRAINING AT ANY ONE TIME. SHOULD ANY INCIDENTS HAPPEN; THE TRAINED MEMBER OF STAFF WILL ASSESS THE SITUATION AND CALL EMERGENCY SERVICES WHEN APPROPRIATE. ALL INCIDENCES WILL BE LOGGED BY ALL STAFF.

d) The prevention of public nuisance

SHOULD TROUBLE/PUBLIC NUISANCE OCCUR OUTSIDE THE PREMISES STAFF WILL INFORM THE APPROPRIATE AUTHORITY AND WILL WORK WITH ANY AUTHORITIES INVOLVED IF REQUIRED TO CONTROL A SITUATION. ALL MEMBERS OF STAFF ARE GIVEN TRAINING FOR DIFFERENT SITUATIONS.

e) The protection of children from harm

NO ADULT SERVICES, ACTIVITIES OR ENTERTAINMENT TO BE PROVIDED ON THE PREMISES AT ANY TIME. ALL TRAINING RECORDS FOR ALL STAFF, IN REGARD TO DRUNKENNESS, AND FOR THE PROTECTION FROM HARM FOR CHILDREN TO BE MAINTAINED AND TO BE AVAILABLE UPON REQUEST FROM ANY REGULATORY BODY.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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 (£)

450.00

DECLARATION

Continued from previous page...

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

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

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

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

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

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.

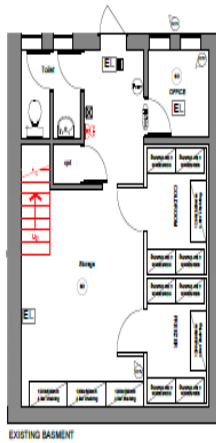
Don't forget to make sure you have all your supporting documentation to hand.

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

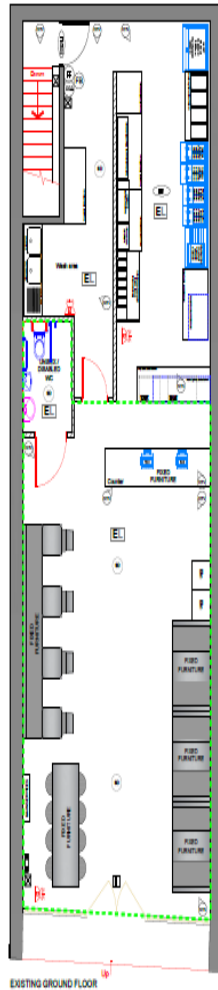
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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

Contractor and furniture manufacturers to take on site measurements before commencing any work, architect will not be held responsible for any mis-fits on site

Any internal layout changes will need to be approved by head office prior.



EXISTING BASMENT



EXISTING GROUND FLOOR

-  CCTV
-  HIGH TEMPERATURE HEAT DETECTOR
-  SMOKE DETECTOR
-  EMERGENCY LIGHTING
-  FIRE ALARM SOUNDER BEACON
-  FIREALARM CONTROL PANEL
-  BREAK GLASS
-  30min SELF CLOSING FIRE DOOR WITH SMOKE SEALS AND INTUMESCENT STRIPS
-  FRY FIGHTER FIRE EXTINGUISHER
-  CO2 FIRE EXTINGUISHER
-  HYDRO SPRAY FIRE EXTINGUISHER
-  FIRE EXT SIGN
-  FIRE BLANKET
-  Proposed late night refreshment license activity.

Drawing no. 3.0	
REV	DESCRIPTION
PROJECT NAME	
55 BIRMINGHAM ROAD	
B72 1QJ	
DRAWING TITLE	
EXISTING PLANS	
DATE	BY
2022-001	
DATE	CHECKED
SCALE	DATE
1:1000A3	14.09.2023

From: Jane Dunsford
Sent: 02 October 2023 10:39
To: bw licensing ; 'Mohammed Malik'
Cc: Licensing
Subject: RE: [External]: Grant Application: Burger & Sauce, 55 Birmingham Road, B72 1QF - 170061

Environmental Health also have no objections as amendments to the hours have been agreed.

Regards

Jane

Jane Dunsford
Environmental Protection Officer
Environmental Protection Unit
Regulation & Enforcement
City operations Directorate
Birmingham City Council

Visitor and External Postal Address: 1-3 Ashted Lock Way, Birmingham B7 4AZ
Internal Postal Address: PO Box 16977, Birmingham B2 2AE

Our Values

We put citizens first We are true to our word
We act courageously We achieve excellence

From: bw licensing <
Sent: 02 October 2023 10:01
To: 'Mohammed Malik'
Cc: Licensing; Jane Dunsford
Subject: RE: [External]: Grant Application: Burger & Sauce, 55 Birmingham Road, B72 1QF - 170061

Good Morning Licensing,

Reference the above application the applicants are happy for the amended times conditions to be added to the license.

West Midlands Police therefore with these additions have no objections to the application. I have copied the applicant into this email.

Mark Swallow.

From: Mohammed Malik
Sent: 02 October 2023 09:45
To: Jane Dunsford; bw licensing
Subject: RE: [External]: Grant Application: Burger & Sauce, 55 Birmingham Road, B72 1QF - 170061

Dear Jane

For the delayed response was consulting with the client, yes we are happy with the below times and conditions

Regards

M S Malik

From: Jane Dunsford
Sent: 27 September 2023 14:49
To: bw licensing ; Mohammed Malik
Subject: RE: [External]: Grant Application: Burger & Sauce, 55 Birmingham Road, B72 1QF - 170061

Mr Malik,

As discuss below due to the likelihood of a potential nuisance from late night activities Environmental Health agree with the proposed change to the end time for the licensable activities.

Regards

Jane Dunsford
Environmental Protection Officer
Environmental Protection Unit
Regulation & Enforcement
City operations Directorate
Birmingham City Council

Visitor and External Postal Address: 1-3 Ashted Lock Way, Birmingham B7 4AZ
Internal Postal Address: PO Box 16977, Birmingham B2 2AE

[Our Values](#)

We put citizens first We are true to our word
We act courageously We achieve excellence

From: bw licensing
Sent: 26 September 2023 09:09
To: Mohammed Malik
Cc: Jane Dunsford
Subject: FW: [External]: Grant Application: Burger & Sauce, 55 Birmingham Road, B72 1QF - 170061

Good Morning Mr Malik,

Thank you for your time yesterday.

As discussed West Midlands Police have concerns about the end time of licensable activity due to the proximity of residents. I have also been liaising with Environmental Heath Officers, who also have the same concerns.

Environmental Health Officers are agreeable with the below conditions (regarding licensable hours and deliveries) which are deemed appropriate & proportionate to meet and promote the licensing objectives and have been copied into this email.

Licensable activity times:

Sunday to Thursday 23.00 x 01.30 with delivery only from 00.30

Friday & Saturday 23.00 x 02.00 with delivery only from 01.30.

- No public access to the premises after 00.30 Sunday to Thursday and 01.30 Friday & Saturday.
- Delivery drivers will wait for their order inside the premises and not sit outside in / on their vehicles.
- Delivery drivers will not keep their engines running while outside the premises.
- Delivery drivers will not play music audible from outside their vehicle while outside the premises.
- Deliveries will only be made to residential or business address and not delivered to open spaces.
- The premises will display prominent signage informing customers of the closure time of the premises to the public.
- No alcohol in open containers allowed on the premises.
- No children under 18 years old allowed on the premises after 23.00 unless accompanied by an appropriate adult.

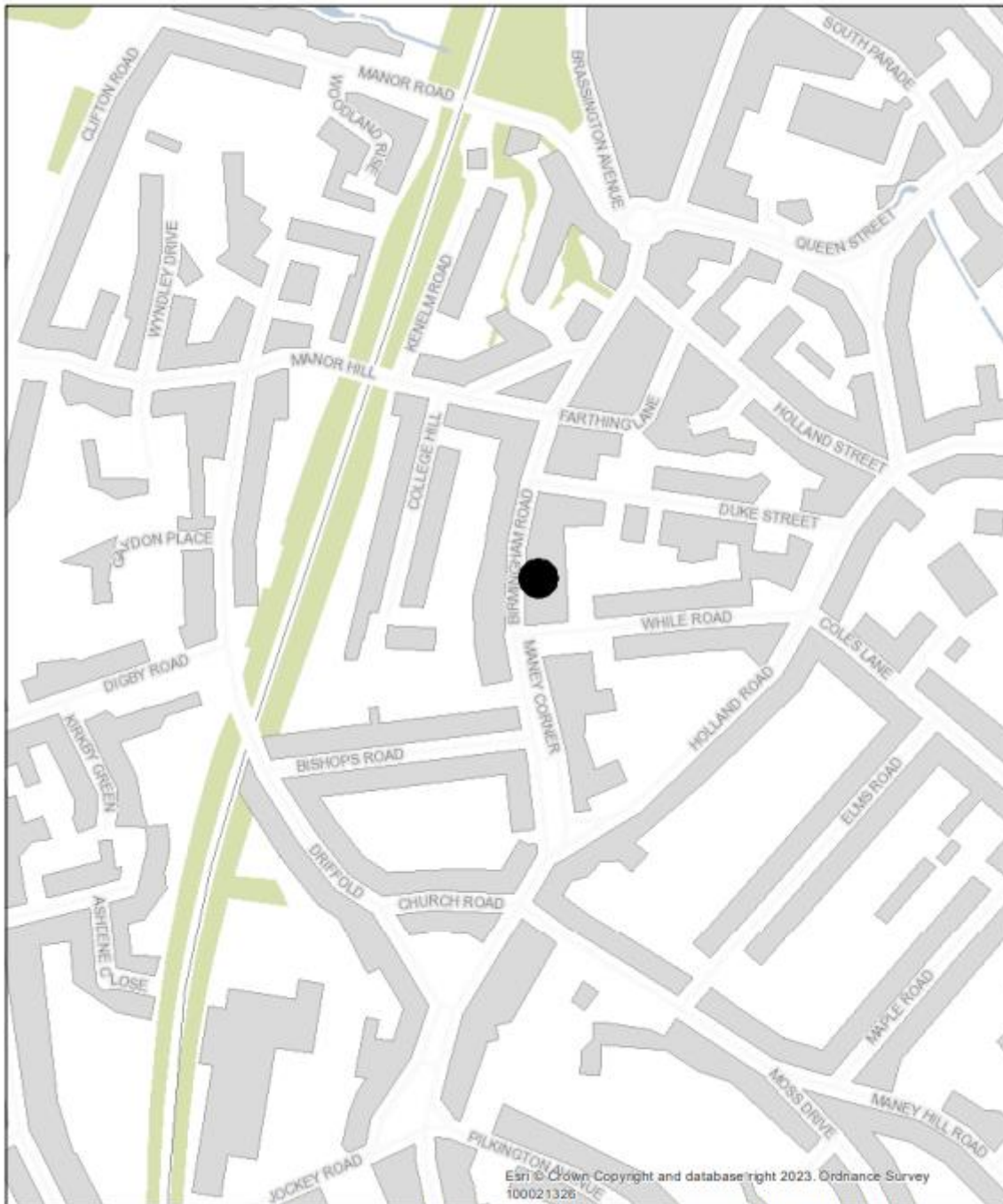
Please liaise with your client. Awaiting your reply.

Many thanks

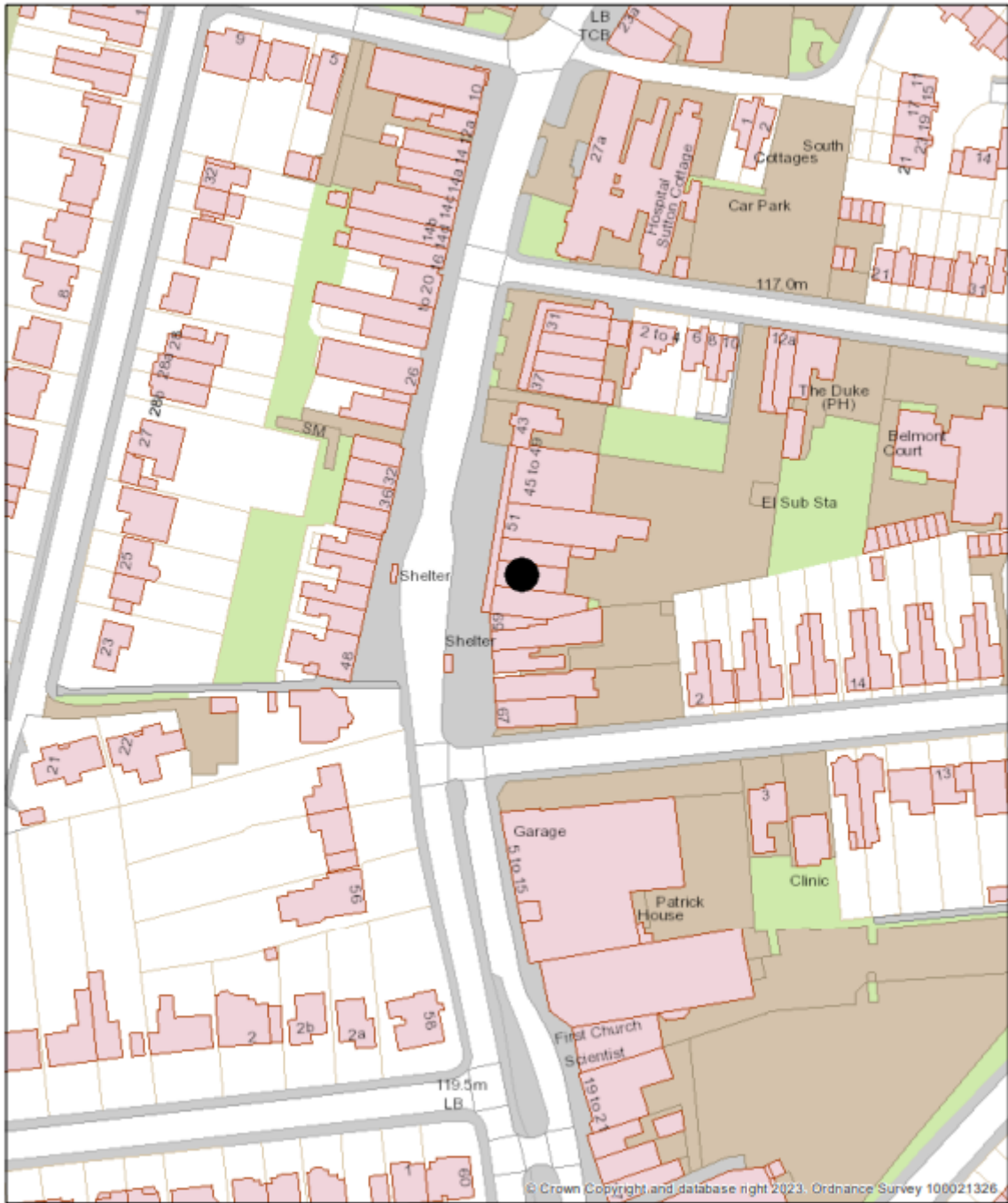
Regards

Chris Jones 55410

Central Licensing Team West Midlands Police



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