

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B

TUESDAY, 02 APRIL 2024 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**

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4 **LICENSING ACT 2003 PREMISES LICENCE – GRANT WALMLEY
LOCAL, 243 – 245 EACHELHURST ROAD, WALMLEY, SUTTON
COLDFIELD, B76 1DT**

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

5 **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.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Director of Regulation & Enforcement
Date of Meeting:	Tuesday 2nd April 2024
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Walmley Local, 243 – 245 Eachelhurst Road, Walmley, Sutton Coldfield, B76 1DT
Ward affected:	Sutton Walmley and Minworth
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider a representation that has 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).

Premises to remain open to the public from 06:00am until 11:00pm (Monday to Sunday).

2. Recommendation:

To consider the representation that has been made and to determine the application, having regard to:

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

3. Brief Summary of Report:

An application for a Premises Licence was received on 9th February 2024 in respect of Walmley Local, 243 – 245 Eachelhurst Road, Walmley, Sutton Coldfield, B76 1DT.

A representation has been received from West Midlands Police as a responsible authority.

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

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

5. Relevant background/chronology of key events:

Kularatnam Pararasalingnam applied on 9th February 2024 for the grant of a Premises Licence for Walmley Local, 243 – 245 Eachelhurst Road, Walmley, Sutton Coldfield, B76 1DT.

A representation has been received from West Midlands Police as a responsible authority, which is attached at Appendix 1.

The application is attached at Appendix 2.

Site Location Plans at Appendix 3.

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:

Copy of the representation as detailed in Appendix 1.

Application Form, Appendix 2.

Site Location Plans, Appendix 3.

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: bw licensing
Sent: Thursday, March 7, 2024 2:32 PM
To: Licensing
Cc:
Subject: Walmley Local - 243-245 Eachelhurst Road – 1474868

Good Afternoon Licensing,

West Midlands Police object to the granting of this premises licence under the prevention of crime & disorder and public safety licensing objectives.

The premises had its licence revoked by the licensing sub-committee after trading standards had found a number of bottles of counterfeit alcohol on sale at the premises. An aggravating factor in this, was that the premises licence holder attempted to deceive the trading standards officers that the counterfeit alcohol had been purchased legitimately and provided officers with a false receipt of sale from a legitimate wholesale company.

The licensing sub-committee also noted a lack of professional supervision by the premises licence holder in their decision notice.

The premises licence holder appealed the decision which was only finalised a few days prior to this application being submitted when they withdrew the appeal.

West Midlands Police, concerned by the timing of this application, needed proof of separation from the previous premises licence holder and this applicant. This was to ensure the promotion of the licensing objectives and to ensure that this application was not an attempt to subvert the process.

West Midlands Police have asked for various documents to prove that this applicant is the legitimate owner of the premises and separated from the previous premises licence holder. This information has been requested twice from the applicant, via their agent.

The information requested has not been forthcoming.

I have copied the applicant's agent into this email.

Regards



Chris Jones 55410
Birmingham Licensing Team
West Midlands Police

Working in partnership, making communities safer





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"/> <p>This is the unique reference for this application generated by the system.</p>
Your reference	<input type="text" value="1324"/> <p>You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.</p>
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.
<input checked="" type="radio"/> Yes <input type="radio"/> No	
Applicant Details	
* First name	<input type="text" value="KULARATNAM"/>
* Family name	<input type="text" value="PARARASALINGAM"/>
* 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 <input type="radio"/> 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?	<input type="radio"/> Yes <input checked="" type="radio"/> No <p>Note: completing the Applicant Business section is optional in this form.</p>
Is the applicant's business registered outside the UK?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Business name	<input type="text" value="WALMLEY LOCAL"/> If the applicant's business is registered, use its registered name.
VAT number	<input type="text" value="-"/> <input type="text" value="NONE"/> Put "none" if the applicant is not registered for VAT.

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

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="LICENSING AGENT"/>	
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="TRIDENT BUSINESS CENTRE"/>	
Street	<input type="text" value="89 BICKERSTETH ROAD"/>	
District	<input type="text"/>	
City or town	<input type="text" value="LONDON"/>	
County or administrative area	<input type="text"/>	
Postcode	<input type="text" value="SW17 9SH"/>	
Country	<input type="text" value="United Kingdom"/>	

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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="243-245"/>
Street	<input type="text" value="EACHELHURST ROAD"/>
District	<input type="text"/>
City or town	<input type="text" value="WALMLEY"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="B76 1DT"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="32,250"/>

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

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

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

- Yes No

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

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

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

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

Yes No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

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

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

Yes No

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality

Right to work share code

Documents that demonstrate entitlement to work in the UK
Right to work share code if not submitting scanned documents

Add another applicant

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OPERATING SCHEDULE

When do you want the premises licence to start? 15 / 03 / 2024
dd mm yyyy

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

Provide a general description of the premises

Continued from previous page...

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

THIS IS A LOCAL SMALL SUPERMARKET FOR LOCAL RESIDENTS. THE STORE HAS BEEN A GREAT SUPPORT FOR LOCAL RESIDENTS OVER MANY YEARS. IT HAS BEEN LICENSED PREVIOUSLY. THIS APPLICATION IS BY THE NEW OWNER OF THE BUSINESS. THE STORE WILL NOW BE MANAGED BY VERY EXPERIENCED RETAILER.

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

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

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Continued from previous page...

Will you be providing recorded music?

Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes No

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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

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY		Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>	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	<input type="text"/>	End	<input type="text"/>	
TUESDAY		Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>	
		Start	<input type="text"/>	End	<input type="text"/>	
WEDNESDAY		Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>	
		Start	<input type="text"/>	End	<input type="text"/>	
THURSDAY		Start	<input type="text" value="06:00"/>	End	<input type="text" value="23:00"/>	
		Start	<input type="text"/>	End	<input type="text"/>	

Continued from previous page...

FRIDAY

Start 06:00

End 23:00

Start

End

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.

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 / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text" value="415704"/>
Issuing licensing authority (if known)	<input type="text" value="COVENTRY CITY COUNCIL"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

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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.

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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

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

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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)

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

1. A Comprehensive recordable CCTV system will be installed and maintained covering the trade areas whilst encompassing all ingress and egress to the premises. The system must continually record whilst the premises is open for licensable activities and during all times when customers remain at the premises. The system must be capable of providing pictures of evidential quality, in particular facial recognition. All recordings must be stored for a minimum period of 31 days with date and time. Recordings must be made available immediately upon the request of a Police or Authorised Officer.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show Police or authorised officer recent data or footage with the absolute minimum of delay when requested.

3. A Challenge 25 proof of age scheme, shall be operated at the premises where the only acceptable forms of identification shall bear their photograph, date of birth and a holographic mark.

4. Premises to keep up to date records available for inspection of staff training in respect of age related sales.

5. A diary log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the licensing authority at all time whilst the premises are open.

6. The premise shall ensure that reasonable and adequate staff training shall be carried out and properly documented in relation to, dealing with incidents and prevention of crime and disorder: sale of alcohol (to underage, persons over 18 purchasing for underage, drunks etc.) prior to being allowed to sell alcohol

7. MS Kuladevi Thavarasa will not have any involvement whatsoever in the running of the business at any time whilst the premises are open to the public or carrying out any licensable activity

b) The prevention of crime and disorder

AS DETAILED ABOVE

c) Public safety

AS DETAILED ABOVE

d) The prevention of public nuisance

AS DETAILED ABOVE

e) The protection of children from harm

AS DETAILED ABOVE

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.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

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 (£)

190.00

DECLARATION

Continued from previous page...

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

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

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

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

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

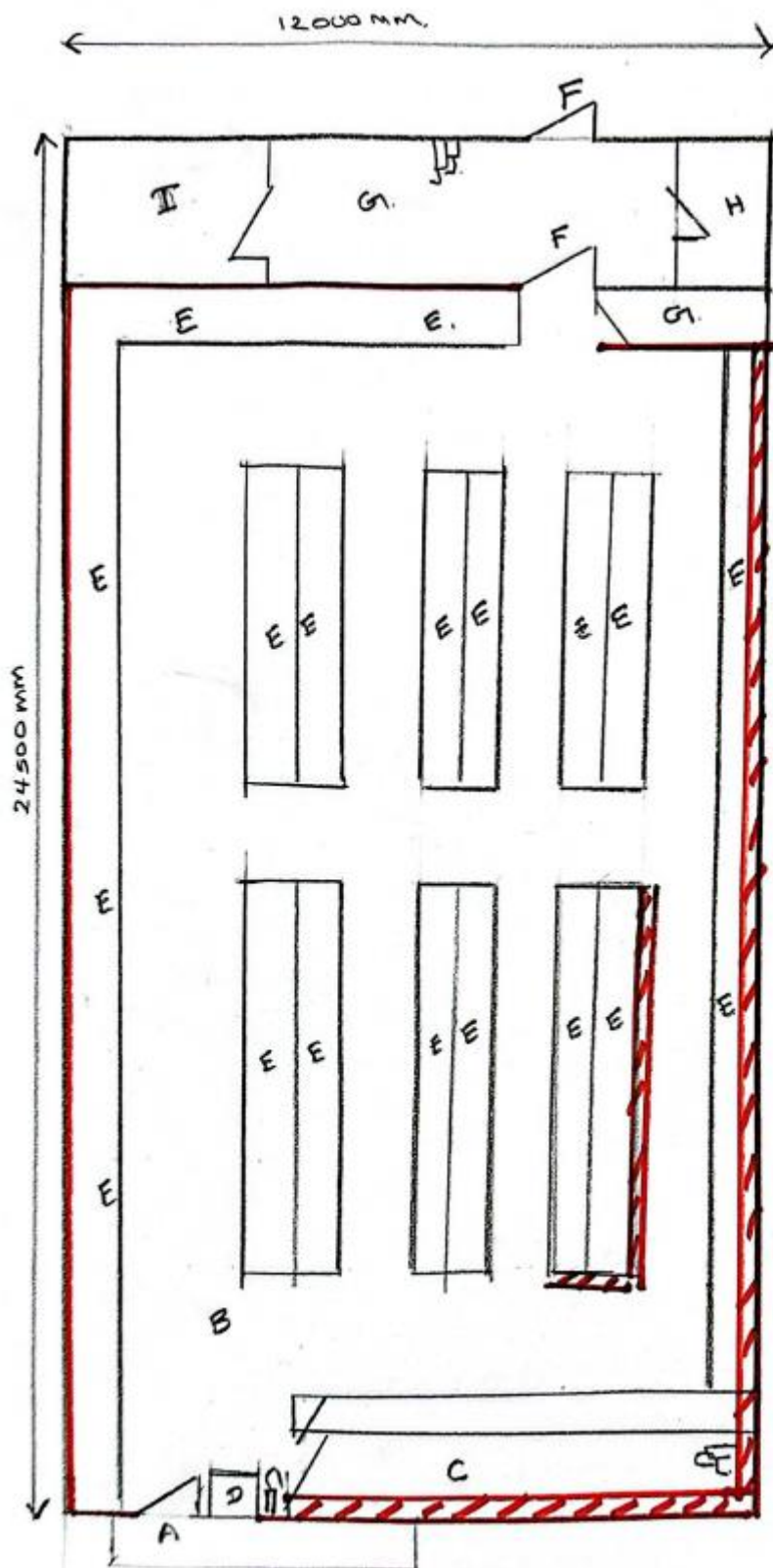
Once you're finished you need to do the following:

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



WALMLEY LOCAL
 243-245 EACHELHURST
 WALMLEY ROAD
 B76 7DT

SCALE 1:100

A: MAIN ENTRANCE

B: RETAIL FLOOR

C: SALES COUNTER

D: CASH MACHINE

E: DISPLAY SHELVES


F: & FRIDGES


F: FIRE EXITS


G: STORE ROOMS

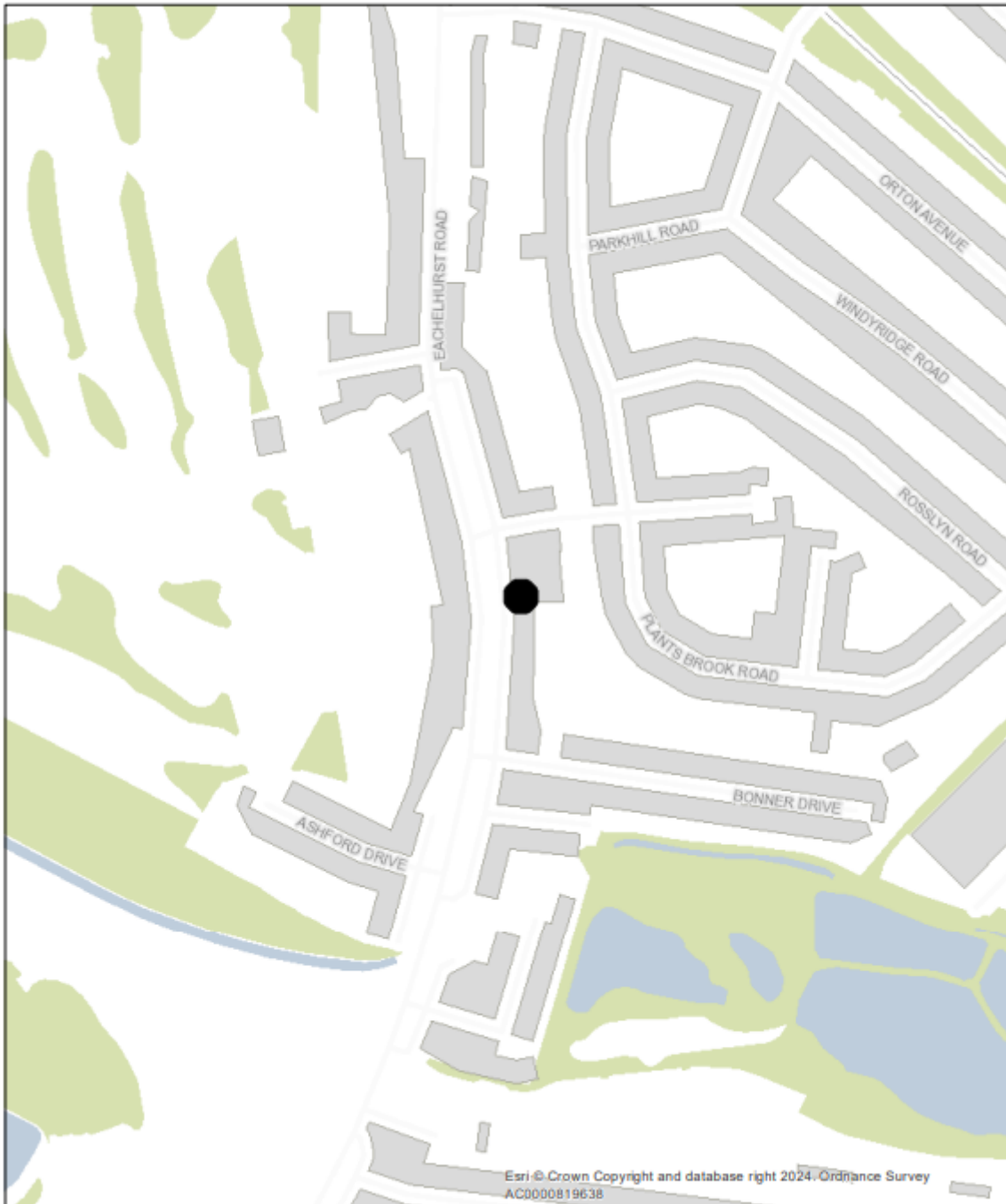
H: TOILET

I: OFFICE

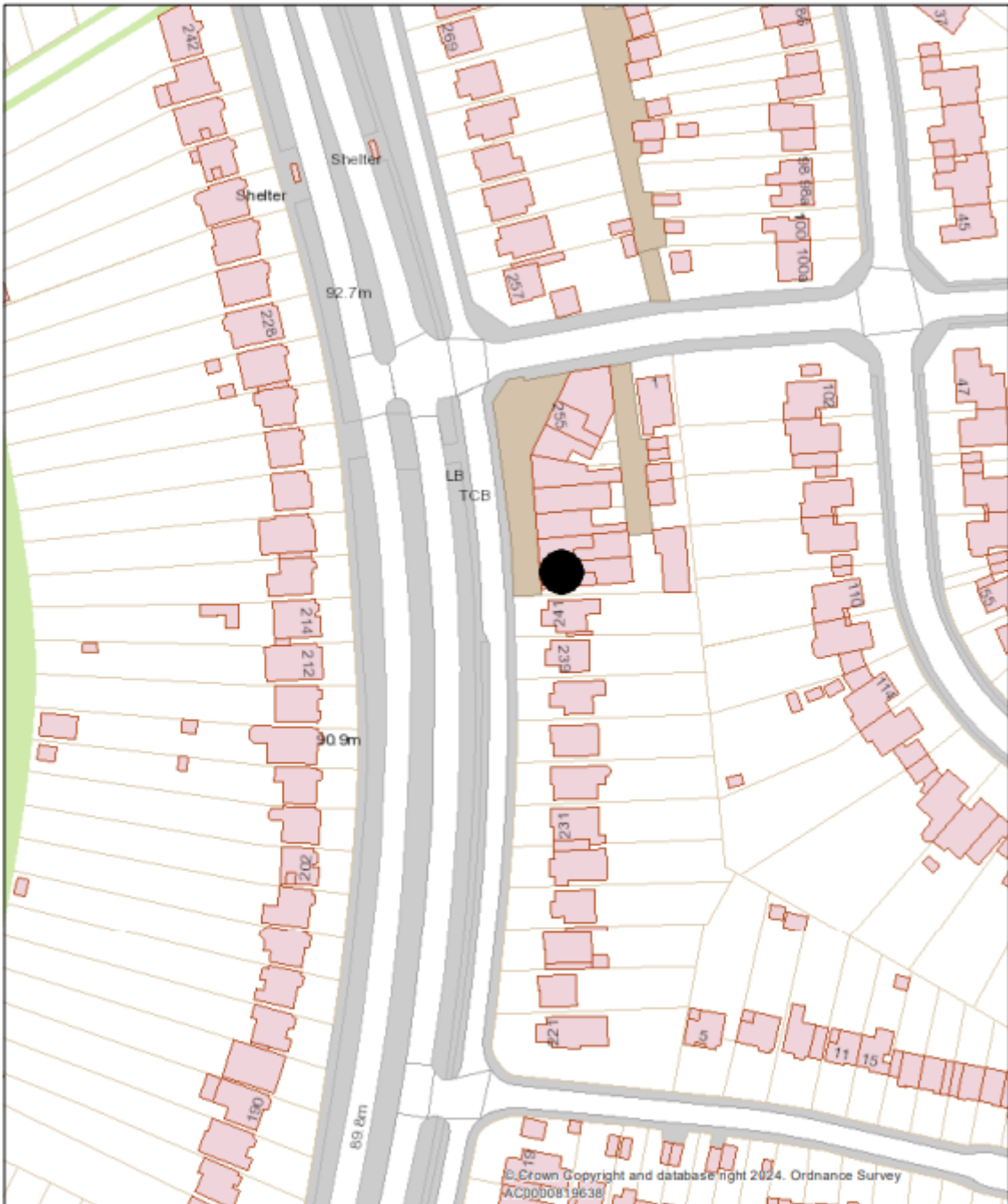
: ALCOHOL DISPLAY

: LICENSABLE AREA

: FIRE EXTINGUISHER



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West Midlands Police Evidence Bundle for the premises licence application for Walmley Local 243-245 Eachelhurst Road. B76 1DT.

PAGE(S)	DOCUMENT(S)
1 to 3	Statement of licensing officer Chris Jones
4 to 6	KVK Supermarket decision notice
7	First email to agent for documentation
8	Second email to agent for documentation

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. []

URN []

Statement of Christopher Jones

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

Occupation Licensing Officer

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: [Handwritten Signature]

(witness)

Date 22.03.24

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

I am Police Licensing Officer Christopher Jones 55410 of the West Midlands Police currently based at Lloyd House Police Station. I am part of a team of officers that deal with all matters in relation to the Licensing Act 2003 in the Birmingham City Council administrative area.

Part of this role involves the scrutiny of all new applications for premises licenses.

One such application was received on 9th February 2024 applying for a premises licence at Walmley Local, 243-245 Eachelhurst Road, Walmley. B76 1DT.

The applicant submitted the application through a licensing agent.

I instantly recognised the address as I had previous dealings with the premises when it was trading as KVK Supermarket.

KVK Supermarket's premises licence was revoked on 6th February 2021 after Trading Standards has submitted a premises licence review application (supported by West Midlands Police) after they had found a number of counterfeit bottles of alcohol on sale at the premises.

An aggravating factor in this, was that the premises licence holder attempted to deceive trading standards officers that the counterfeit alcohol had been purchased legitimately and provided officers with a false receipt of sale from a legitimate wholesale company.

The Licensing Subcommittee noted on their decision notice that the way the premises was operated was not merely irresponsible, but also illegal. They also commented that the premises licence holder's explanations did not inspire any confidence whatsoever that she understood the licensing objectives.

Decision notice are at pages 4 to 6 of WMP evidence bundle.

Signature [Handwritten Signature]

Signature witnessed by

Crime No. URN

Statement of Christopher Jones

The decision of the Licensing Sub-Committee was appealed by the premises licence holder of KVK Supermarket and it was eventually listed for a final hearing at Birmingham Magistrates Court on 1st February 2024. Just prior to this date the premises licence of KVK Supermarket withdrew the appeal.

The premises licence holder attended court, as the District Judge wanted to ensure that premises licence holder understood the consequences of what withdrawing the appeal would have.

He was satisfied that the premises licence was aware. One of the consequences, was that the revocation of the premises licence became effective from this time, meaning that the shop no longer had a licence to sell alcohol.

Only 8 days after the premises licence holder for KVK Supermarket had confirmed the withdrawal of the appeal, this current application was lodged.

Concerned by the short period of time between the court appearance and this application West Midlands Police required proof that this is a new owner of the premises and is separated from the previous licence holder. Ensuring this was not an attempt to subvert the process and licensing act.

On 12th February 2024 West Midlands Police emailed the agent for the applicant and requested documentation to prove the applicant was the legitimate owner of the business and was separated from the previous premises licence holder of KVK Supermarket.

Email is at page 7 of WMP evidence bundle.

There was no reply to this email, although the below documents requested should be easily available to prove the sale or ownership of the business to this applicant from the previous premises licence holder:

- Contract between the two parties for the sale of the business / legal documentation for the ownership and control of the business.
- Any record of payment for control of the business.
- Utility bills in the applicants name
- Telephone bill in the applicants name
- Copy of the business rates in the applicants name
- Copy of the waste collection contract in the applicants name
- Lease / rent agreements in the applicants name.

Signature



Signature witnessed by

03/2016

OFFICIAL – (when complete)

2

Crime No.

URN

Statement of Christopher Jones

The agent was emailed again on 5th March 2024, asking for an update from the applicant regarding the documentation requested. Again there was no reply to this email.

Email at page 8 of WMP evidence bundle.

As the documentation requested has not been forthcoming, West Midlands Police are concerned that this application / applicant is not separated from the premises licence holder of KVK Supermarket and indeed does appear to be an attempt to subvert the process and licensing act.

Without the proof of separation from the previous licence holder of KVK Supermarket, West Midlands Police are concerned for the promotion of the licensing objectives, especially the prevention of crime & disorder and public safety.

West Midlands Police have no confidence in this applicant without the proof of separation form the previous premises licence holder and documentation requested.



Signature



Signature witnessed by



BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE - A

MONDAY 8 FEBRUARY 2021

**KVK SUPERMARKET, 243-245 ECHELHURST ROAD, WALMLEY,
BIRMINGHAM B76 1DT**

That, having reviewed the premises licence held under the Licensing Act 2003 by KVK Supermarket Ltd (sole director: Mrs [REDACTED]), in respect of **KVK Supermarket, 243-245 Echelhurst Road, Walmley, Birmingham B76 1DT**, upon the application of the Chief Officer of Weights and Measures, this Sub-Committee hereby determines that:

- the Licence be revoked, and that
- Mrs [REDACTED] be removed as Designated Premises Supervisor

in order to promote the prevention of crime and disorder, public safety and protection of children from harm objectives in the Act.

The Sub-Committee's reasons for revoking the licence are due to concerns expressed on behalf of the Chief Inspector of Weights and Measures, as outlined fully in the Report. A Trading Standards officer also attended the meeting and told the Sub-Committee about the bottles of counterfeit alcohol which had been discovered during an inspection of the premises carried out by Trading Standards officers.

The need for an inspection arose after a member of the public, who had purchased alcohol from KVK Supermarket, contacted Trading Standards to report his concerns that the alcohol, namely [REDACTED] branded wine, was not the genuine product. In due course, an investigation confirmed that the branded wine was indeed counterfeit, yet had been sold by KVK Supermarket as the legitimate product.

41 counterfeit bottles were seized from the shop; this was in addition to the 3 counterfeit bottles already sold to the customer who had reported it, and a further 5 sold to another member of the public who made a similar report. During one visit to seize the stock, the company director produced an invoice from a local cash & carry to account for the purchase of the bottles of wine. Trading Standards informed the Sub-Committee that this invoice was later proven to be 'false' after direct investigation with the wholesaler. Furthermore, the wholesaler had carried out a national audit of their stock of [REDACTED] branded wine, and had not found any bottles within their organisation with the same batch codes as the counterfeit stock seized from KVK Supermarket. The explanation given by the company director to Trading Standards was that staff employed by her in the shop had purchased the counterfeit alcohol, without her knowledge, from somebody whom she described as 'a delivery man'.

Trading Standards advised the Sub-Committee that counterfeit alcohol subverts the normal supply chains of legitimate trade, as it is controlled by criminal organisations who seek to maximise profit by avoiding legitimate controls and systems. It is worse than "non-duty paid" alcohol, as it is specifically manufactured to look like genuine brands, and therefore to mislead consumers into making purchases of substandard products. (It should of course be noted that no duty will have been paid on the products either).

It was the recommendation of Trading Standards that the Sub-Committee should look at all options when making their decision, and in particular that the Sub-Committee should ensure that there was confidence that the management of the shop would not engage in, and encourage, criminal activity; criminal activity affected not only the citizens of Birmingham, but also respectable businesses and companies.

The application for review was fully endorsed by West Midlands Police. The Police advised the Sub-Committee that usually the purchase and sale of counterfeit alcohol is made via cash transactions - therefore with no traceability, and of course no UK duty being paid. Traders acting unscrupulously in purchasing counterfeit alcohol cannot have any idea of the provenance of such alcohol, or even if it is fit for human consumption. The Sub-Committee considered that the only intention behind such practices was to maximise profit by tricking consumers.

The Police also observed that the victim in the sale of counterfeit alcohol is not only the consumer, but the brand itself. These underground activities cause damage to the '██████████ Wine Company' brand, destroying consumer confidence in their products and putting their business at risk in these uncertain times. The Sub-Committee agreed that counterfeit products damaged the reputation of successful businesses; as such they took a very dim view of it.

West Midlands Police made representations advising that the licence should be revoked as the licence holder company had demonstrated that it, via its director, was completely incapable of upholding the licensing objectives.

The Sub-Committee was perturbed to note the statement from an enforcement officer at the Home Office (included in the Report), advising that in 2018 an illegal worker had been found in the premises. This person was an "overstayer" who had failed to secure asylum and was arrested. The Home Office advised that at the time of the arrest the person in charge, Mrs ██████████, would have been fully aware and would have had full knowledge of the staff employed in the shop.

The licence was held by a company; the sole director of that company was Mrs ██████████. She attended the meeting and addressed the Sub-Committee. Her explanation was as per the email she had sent to Trading Standards (included in the Report). The Sub-Committee looked askance at her suggestion that it was her staff who had taken it upon themselves to purchase alcohol from 'a delivery man' in her absence; this showed a lack of professional supervision and control by the director. Whilst Mrs ██████████ was very apologetic, she had made no attempt to get to the bottom of what had happened, which was surprising given that she had said that her staff had acted without her knowledge. It was further noted that the designated premises supervisor was somebody who appeared to have no involvement whatsoever in the current operation. That person did not attend the meeting.

After hearing all the evidence, the Sub-Committee determined that the purchase and sale of counterfeit alcohol was indeed so serious that it could not be tolerated, and therefore resolved to revoke the licence as recommended by the Chief Officer of Weights & Measures, and by West Midlands Police. The Sub-Committee had grave concerns about the manner in which this premises had been operating, and agreed with Trading Standards that the operation had been managed in a way that was not merely irresponsible, but also illegal. The Police had endorsed all the submissions made by Trading Standards. A determination to revoke would follow the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. There were no compelling reasons to depart from the Guidance on this occasion.

Mrs ██████████ explanations did not inspire any confidence whatsoever that she understood the licensing objectives; moreover the designated premises supervisor was somebody who appeared to have no involvement in the shop. This warranted the removal of that person as designated premises supervisor. The Sub-Committee had no confidence that either person was capable of upholding the licensing objectives.

The Members of the Sub-Committee gave consideration as to whether they could modify the conditions of the licence, or suspend the licence for a specified period, but were not satisfied, given the evidence submitted, that the licensing objectives would be properly promoted following any such determination, for the reasons set out above.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under s182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by those representing the Chief Inspector of Weights & Measures and West Midlands Police, and by the company director.

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

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

Christopher Jones

From: bw licensing
Sent: 12 February 2024 09:44
To: [REDACTED]
Subject: FW: [External]: FW: Grant App - Walmley Local - 243-245 Eachelhurst Road – 1474868
Attachments: DPS CONSENT.pdf; GRANT APPN.pdf; PREMISES PLAN.pdf; RTW - PASSPORT.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning,

As per previous email and telephone conversations.

The previous premises licence was revoked by a Licensing Committee after serious failings at the premises.

West Midlands Police need proof of separation between the previous business and this applicant to ensure promotion of the licensing objectives.

West Midlands Police request the below paperwork to prove a separation from the previous business and this application.

- Contract between the two parties for the sale of the business / legal documentation for the ownership and control of the business.
- Any record of payment for control of the business.
- Utility bills in the applicants name
- Telephone bill in the applicants name
- Copy of the business rates in the applicants name
- Copy of the waste collection contract in the applicants name
- Lease / rent agreements in the applicants name.

Awaiting your reply.

Regards

Chris Jones 55410

Central Licensing Team West Midlands Police
T: 0121 626 6099 or 101 (ext. 8011628)

Preventing crime, protecting the public and helping those in need.

If it's not 999, search WMP Online



7

From: [REDACTED] Behalf Of Licensing
Sent: 09 February 2024 17:20
To: bw licensing <bw_licensing@westmidlands.police.uk>

Christopher Jones

From: bw licensing
Sent: 05 March 2024 10:25
To: [REDACTED]
Subject: Walmley Local - 243-245 Eachelhurst Road – 1474868
Attachments: DPS CONSENT.pdf; GRANT APPN.pdf; PREMISES PLAN.pdf; RTW - PASSPORT.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning,

Have you an update from your client regarding the requested information in the below email?

The representation date is 8th March 2024 and West Midlands Police will require the documentation no later than 2pm on 7th March 2024 to ensure a separation from the previous business.

Many thanks.

Regards



Chris Jones 55410
Birmingham Licensing Team
West Midlands Police

TDD: 0121 626 6099 - T: 101 8011628
Working in partnership, making communities safer



8

From: bw licensing
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