

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 08 DECEMBER 2021 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 meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

4 LICENSING ACT 2003 PREMISES LICENCE – GRANT LA CASA BOIERULUI, 3 YORK ROAD, ERDINGTON, BIRMINGHAM, B23 6TE

Report of the Interim Assistant 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 C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 8th December 2021
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	La Casa Boierului, 3 York Road, Erdington, Birmingham, B23 6TE
Ward affected:	Erdington
Contact Officer:	Shaid Yasser, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:
To consider representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption on the premises only) to operate from 11:00am until 10:30pm (Monday to Sunday).
Premises to remain open to the public from 08:30am until 11:00pm (Monday to Sunday).

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

3. Brief Summary of Report:
An application for a Premises Licence was received on 18 th October 2021 in respect of La Casa Boierului, 3 York Road, Erdington, B23 6TE.
Representations have been received from West Midlands Police as a responsible authority, and from other persons.

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

5. Relevant background/chronology of key events:

La Casa Boierului Ltd applied on 18th October 2021 for the grant of a Premises Licence for La Casa Boierului, 3 York Road, Erdington, Birmingham, B23 6TE.

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

Representations have been received from other persons. See Appendix 2.

The application is attached at Appendix 3.

Conditions have been agreed with Birmingham City Council Licensing Enforcement and the applicant, which are attached at Appendix 4.

Site Location Plans at Appendix 5.

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 & 2

Application Form, Appendix 3

Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 4

Site Location Plans, Appendix 5

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.

Appendix 1

From: Huram Taj
Sent: 04 November 2021 09:56
To: Licensing
Cc: 'Rob.edge
Subject: RE: [External]: FW: Premises licence: new application - 1136719

Good Morning Licensing,

West Midlands Police are in receipt of a premises licence application for La Casa Boierului, 3 York Road, Erdington B23

The granting of this premises licence would not promote the licensing objectives and therefore, West Midlands Police cannot support this application and object on the grounds of prevention of public disorder and public nuisance.

The premises is situated with-in an area that was previously covered by a cumulative impact zone due to high levels of anti-social behaviour and street drinking issues.

Although the cumulative impact zone has been lifted, the issues mentioned are still ever present.

Adding a licensed premises with the provision of alcohol will only add to the current issues and therefore no mitigating factors can be consider to promote the licensing objectives.

Regards

Huram Taj 60679
Licensing Department
Birmingham Partnerships Team:Lloyd House Birmingham: West Midlands Police

From: Councillor Gareth Moore
Sent: 15 November 2021 10:12
To: Licensing
Cc: Councillor Robert Alden
Subject: Objection to La Casa Boierului, 3 York Road, Erdington, Birmingham, B23 6TE Ref: 123031

Dear Licensing

We wish to object to the licence application made for the above premises which proposes the sale of alcohol until 22:30 each day on the basis that its proposed operation will not be compliant with the Licensing Objectives – namely the Prevention of Crime & Disorder and Prevention of Public Nuisance.

Erdington High Street already suffers from street drinking and alcohol-related ASB and this is particularly significant at the Six Ways end. We receive frequent complaints about street drinkers congregating during the day outside Dixons and Domino's Pizza, and so the provision of another premises selling alcohol is a serious concern. These concerns are shared by the Erdington neighbourhood policing team, who have to spend a significant amount of time dealing with complaints about ASB, and a female member of staff was recently threatened with rape by a street drinker. Sadly, this area of the High Street has deteriorated significantly due to the delay in renewing the Public Space Protection Order (PSPO), which has led to an increase in street drinking. The extent of the problem on the High Street is reflected in that it previously had a PSPO and a cumulative impact policy – which demonstrates the sheer scale of the problem and the cumulative impact of so many off-licences in such a small area.

The addition of another premises will exacerbate this situation further and mean that the premises would operate contrary to the Licensing Objectives and therefore the application should be refused for the reasons set out above. We will be providing supporting evidence in support of our representation shortly in accordance with the committee procedure.

Cheers

Gareth

COUNCILLOR GARETH MOORE

Serving Abbey Fields, Erdington Village, Pitts Farm, Short Heath & Wylde Green
Working for **ERDINGTON** all year round!!!

Conservative Group Secretary & Treasurer
The Council House, Victoria Square, Birmingham, B1 1BB

Application for a premises licence to be granted under the Licensing Act 2003**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form, please read the guidance notes at the end of the form. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We La Casa Boierului Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

3 York Road
Erdington

Post town	Birmingham	Postcode	B23 6TE
-----------	------------	----------	---------

Telephone number at premises (if any)

Non-domestic rateable value of premises £ 5,100.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate.**

a) an individual or individuals *	<input type="checkbox"/> please complete section (A)
b) a person other than an individual *	<input checked="" type="checkbox"/> please complete section (B)
i as a limited company/limited liability partnership	<input type="checkbox"/> please complete section (B)
ii as a partnership (other than limited liability)	<input type="checkbox"/> please complete section (B)
iii as an unincorporated association or	<input type="checkbox"/> please complete section (B)
iv other (for example a statutory corporation)	<input type="checkbox"/> please complete section (B)
c) a recognised club	<input type="checkbox"/> please complete section (B)
d) a charity	<input type="checkbox"/> please complete section (B)
e) the proprietor of an educational establishment	<input type="checkbox"/> please complete section (B)

f) a health service body please complete section (B)

g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales. please complete section (B)

ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England. please complete section (B)

h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname		First names			
Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick			
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname		First names			
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name La Casa Boierului Ltd
Address 3 York Road Erdington B23 6TE
Registered number (where applicable) 13657547
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited company to run licensed restaurants
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? **ASAP**

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

Please give a general description of the premises (please read guidance note 1)

An international food shop, offering quality foods, meats and beverages serving the local community.

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed			State any seasonal variations for performing plays (please read guidance note 5)	
Thur				
Fri			Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat				
Sun				

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue				
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)	
Thur				
Fri			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			Non-standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)	
Thur				
Fri			Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
Tue			Both	<input type="checkbox"/>
Wed			Please give further details here (please read guidance note 4)	
Thur			State any seasonal variations for the performance of live music (please read guidance note 5)	
Fri			Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
			Please give further details here (please read guidance note 4)	
			State any seasonal variations for the playing of recorded music (please read guidance note 5)	
			Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)	
Wed				
Thur				
Fri				
Sat				
Sun				

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
			Please give further details here (please read guidance note 4)	
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)	
Thur				
Fri			Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	
Mon			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)	
Wed				
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)	
Fri				
Sat			Non-standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun				

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
Mon			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Please give further details here (please read guidance note 4)				
State any seasonal variations for the provision of late night refreshment (please read guidance note 5)				
Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)				
Sat				
Sun				

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input checked="" type="checkbox"/>
Mon	1100	2230		Both	<input type="checkbox"/>
Tue	1100	2230	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Wed	1100	2230			
Thur	1100	2230			
Fri	1100	2230			
Sat	1100	2230			
Sun	1100	2230			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name
Date of birth
Address
Currently attending course, awaiting certificate.
Postcode
Personal licence number (if known)
Issuing licensing authority (if known)

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

Not applicable

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	0830	2300	
Tue	0830	2300	
Wed	0830	2300	
Thur	0830	2300	<u>Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Fri	0830	2300	
Sat	0830	2300	
Sun	0830	2300	

M

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

a) General – all four licensing objectives (b, c, d, and e) (please read guidance note 10)

As the applicant, we will ensure that we fully uphold all of the four licensing objectives, at all times.
Liaising with all Responsible Authorities when required and taking their advice on board.

b) The prevention of crime and disorder

CCTV will be installed, operated, and fully maintained at all times; images will be retained for at least 31 days and be produced on request of any Responsible Authority.

The CCTV will be operational at all times whilst the premises are open and trading.

CCTV warning notices will be displayed in public areas of the premises advising that CCTV is in operation, in accordance with GDPR.

A Refusals log will be maintained at all times, this will be checked and signed by the PLH/DPS at the end of each week, this log will be made available for inspection by any Responsible Authority, upon reasonable request.

Staff training in the Licensing Act 2003 will take place for all members of staff prior to the premises opening, and all records will be retained at the premises; and made available for inspection at any time.

c) Public safety

The premises licence holder or DPS will carry out pre-opening checks of the restaurant, to ensure that there are no risks to patrons and that all safety precautions are in place.

The premises licence holder will ensure that all staff receive appropriate staff training, and the training records remain on site for a period of three months. The licence holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

Any staff directly involved in selling alcohol must be authorised to do so in writing by the DPS. A record of the authorisation for each member of staff will be kept on the premises and made available for inspection by police and relevant authorities upon request.

All safety certificates and inspection reports will be kept on site and made available to officers of relevant statutory bodies.

The premises will comply with all food safety regulations.
The staff involved in food preparation will be fully trained, and their certificates will be displayed accordingly.

d) The prevention of public nuisance

The Premises Licence Holder will ensure that the disturbance caused to the general public is kept to a minimum, signage will be placed in a prominent place asking customers to respect our neighbours.

Staff will ensure that the frontage of the premises is inspected regularly for litter and rubbish, clearing any debris away.

No rubbish, including bottles, shall be moved, or placed in outside areas between the hours of 2200hours and 0800hours.

e) The protection of children from harm

A "Challenge 25" policy shall be adopted and adhered to. "Challenge 25" & "No proof of age - No sale" Signage to be displayed at point of sale. The only recognised forms of ID accepted will be {PASS accredited ID, passport, or photo driving licence}.

A till prompt (Electronic or visual) will be used for all alcohol sales.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	<ul style="list-style-type: none">[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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	18 October 2021
Capacity	Agent on behalf of the applicant (Licence Leader Ltd)

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
-----------	--

Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Rob Edge
Licence Leader Ltd

Post town		Postcode	
-----------	--	----------	--

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)



From: Licence Leader
Sent: 03 November 2021 08:57
To: Christina McCullough
Subject: RE: LA CASA BOIERULUI, 3 YORK RD, ERDINGTON, B23

Christina,

Good morning, I trust you're keeping well.

Many thanks for your email, the applicant is more than happy to have the listed conditions within the operating schedule, in order to uphold the licensing objectives.

Kind regards
Rob

Rob Edge (Director)

From: Christina McCullough
Sent: 02 November 2021 23:56
Subject: LA CASA BOIERULUI, 3 YORK RD, ERDINGTON, B23

Dear Rob,

I am in receipt of the application submitted in respect of the above premises.

You will appreciate it is important that any conditions attached to a premises licence are clear, precise and enforceable in order to effectively promote the four licensing objectives.

In considering the application submitted and the measures outlined in the operating schedule the Licensing Enforcement Team has applied the tests of necessity and reasonableness in order to promote the four licensing objectives and I have therefore attached a list of conditions which the Licensing Enforcement Team will require you to accept as conditions which will be applied to the licence.

GENERAL	An incident register will be kept at the premises and be made available to an authorised Officer of a Responsible Authority on request.
PREVENTION OF CRIME & DISORDER	The Premises Licence Holder shall ensure that those engaged with the sale of alcohol shall be provided with training on the licensing objectives and the conditions attached to the premises licence. Refresher training will be given every 6 months. A log of the training shall be maintained and available for inspection by an authorised Officer of a Responsible Authority on request.

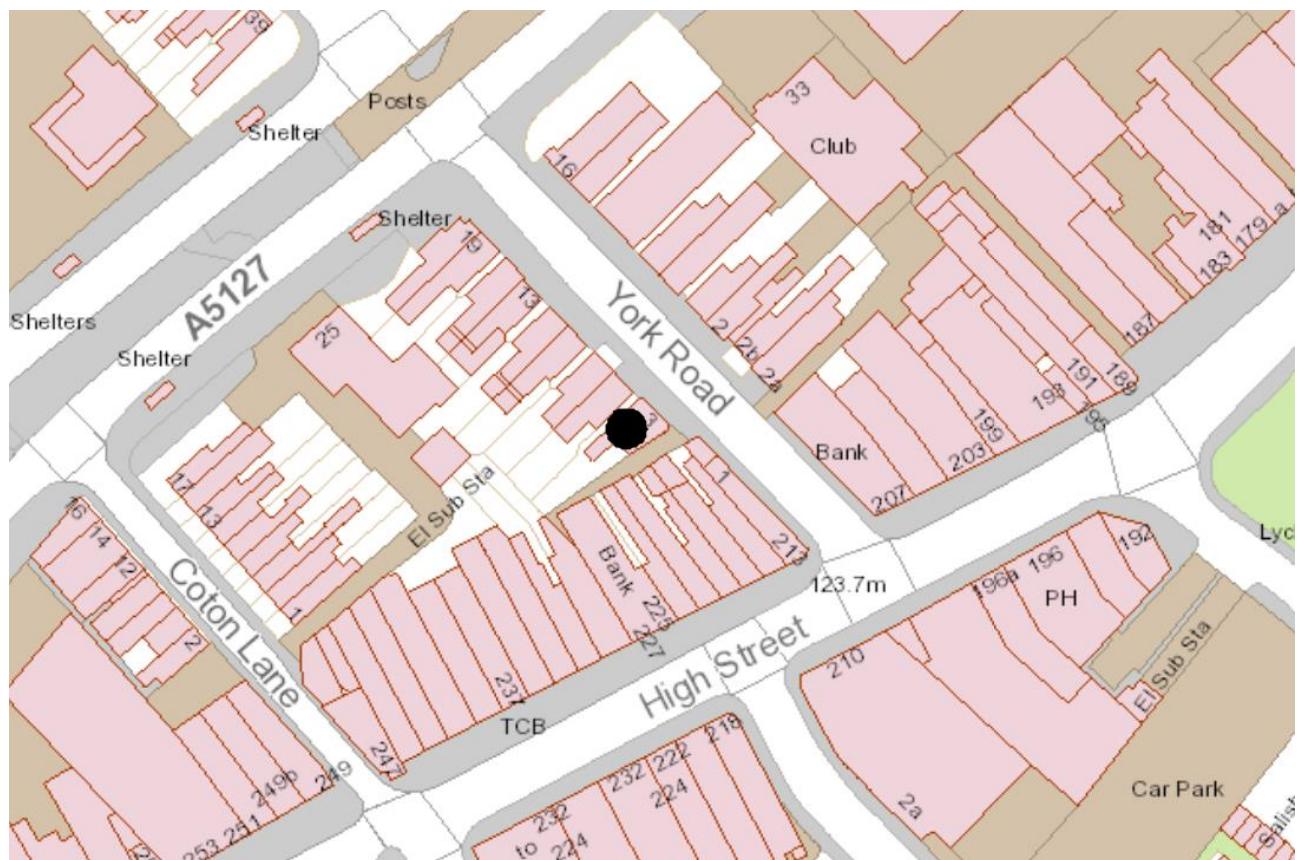
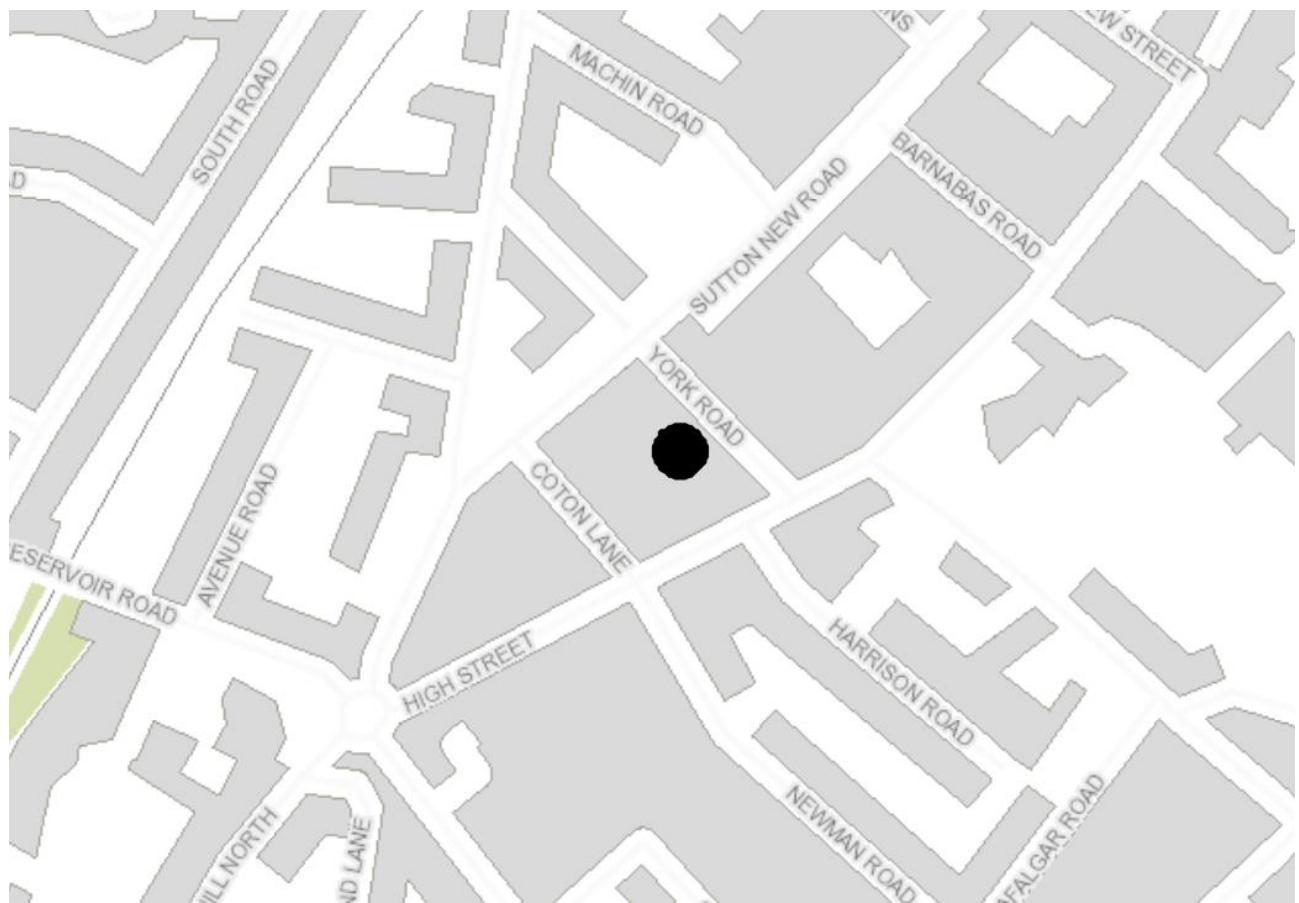
Subject to your confirmation in writing that you agree to accept the attached conditions there will be no need for the Licensing Enforcement Team to make a representation regarding the application submitted.

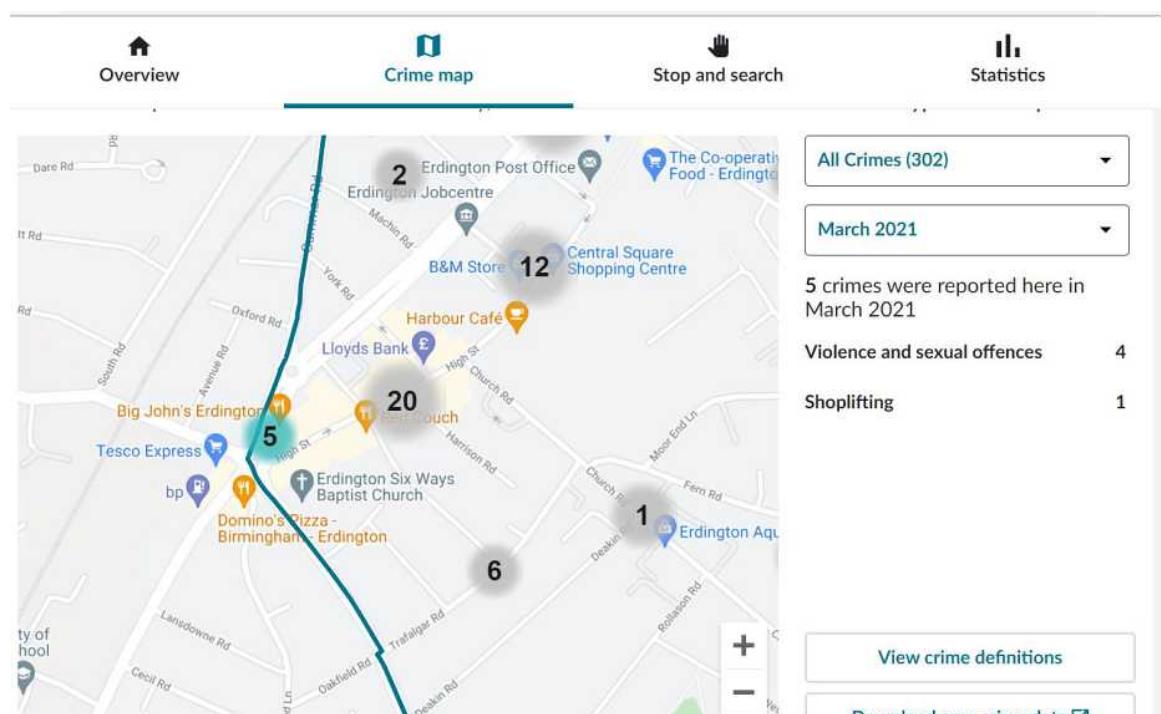
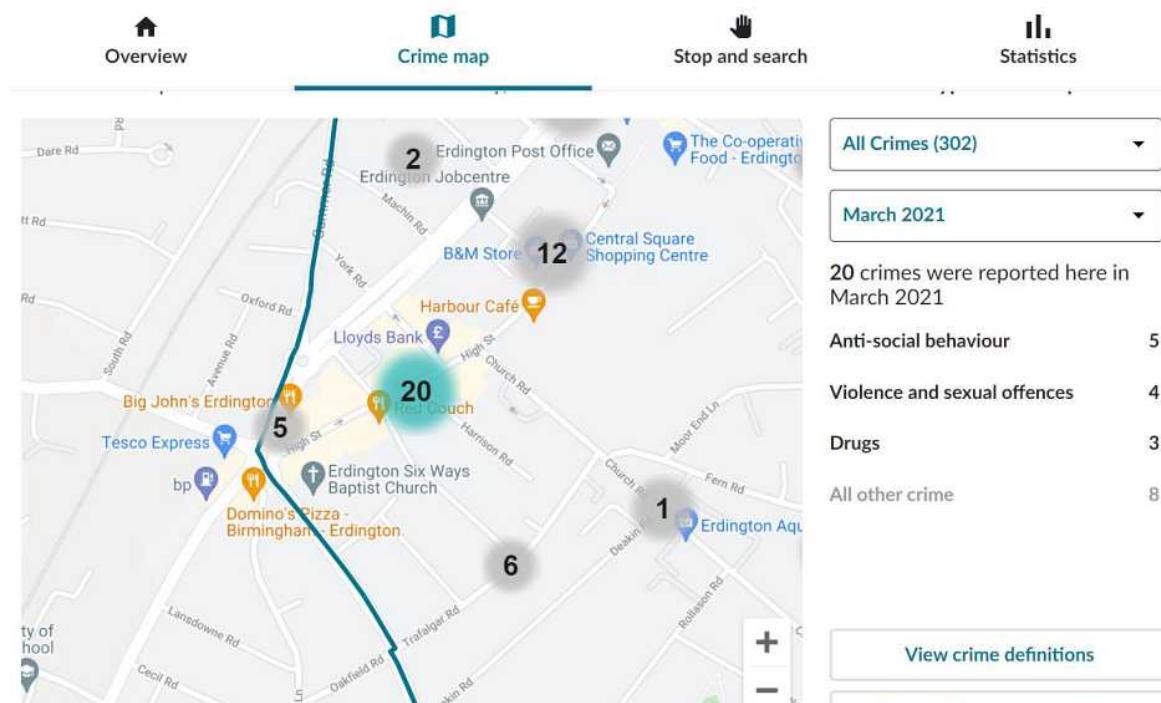
If you wish to discuss the matter please don't hesitate to contact me.

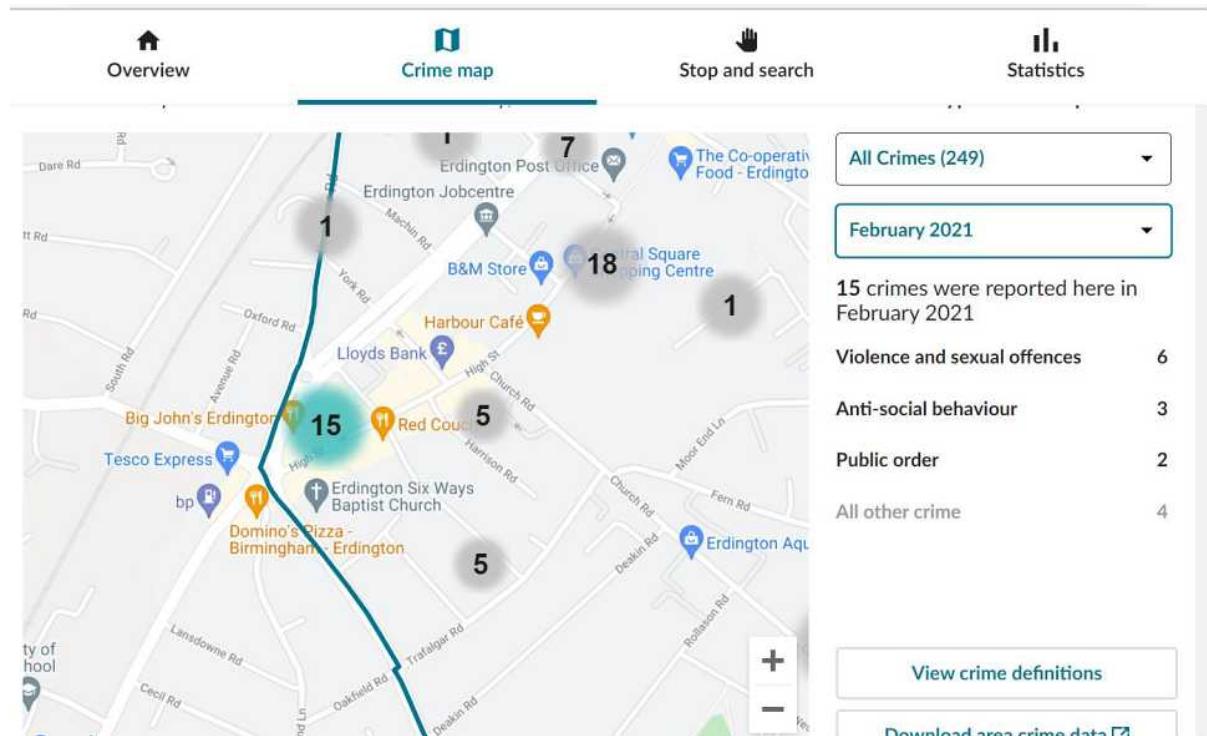
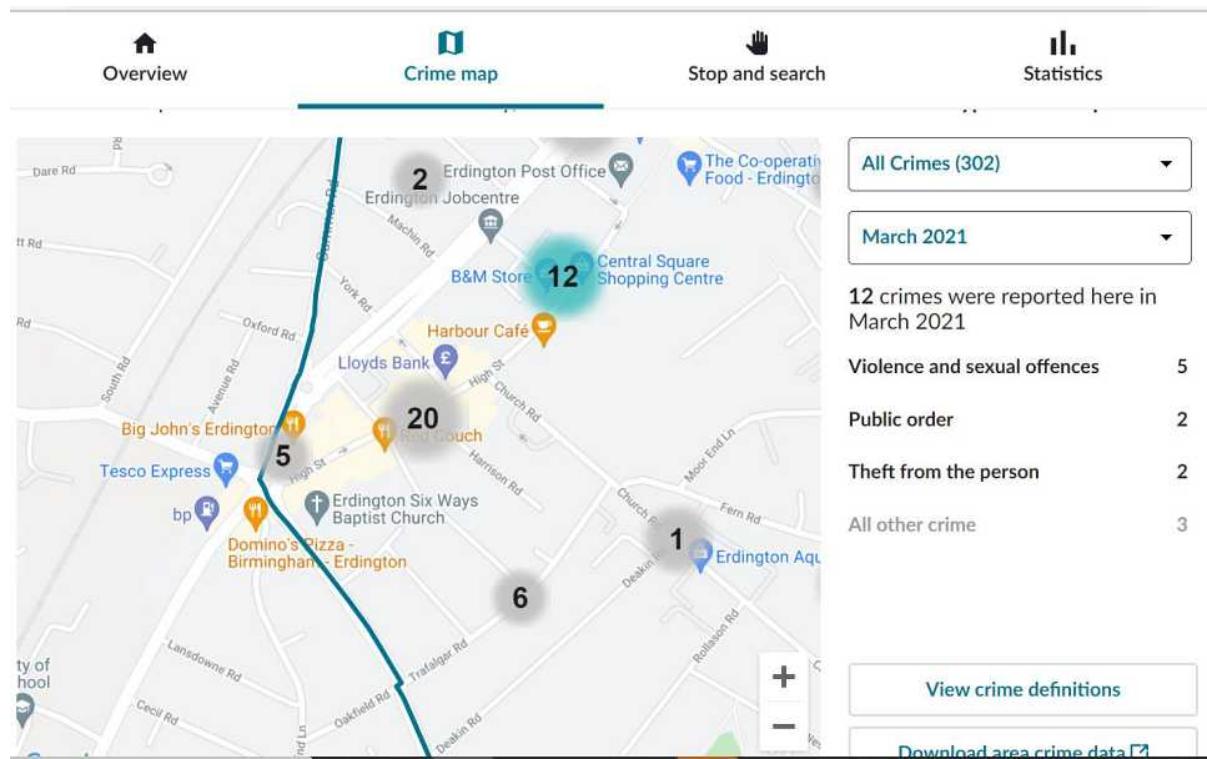
Regards

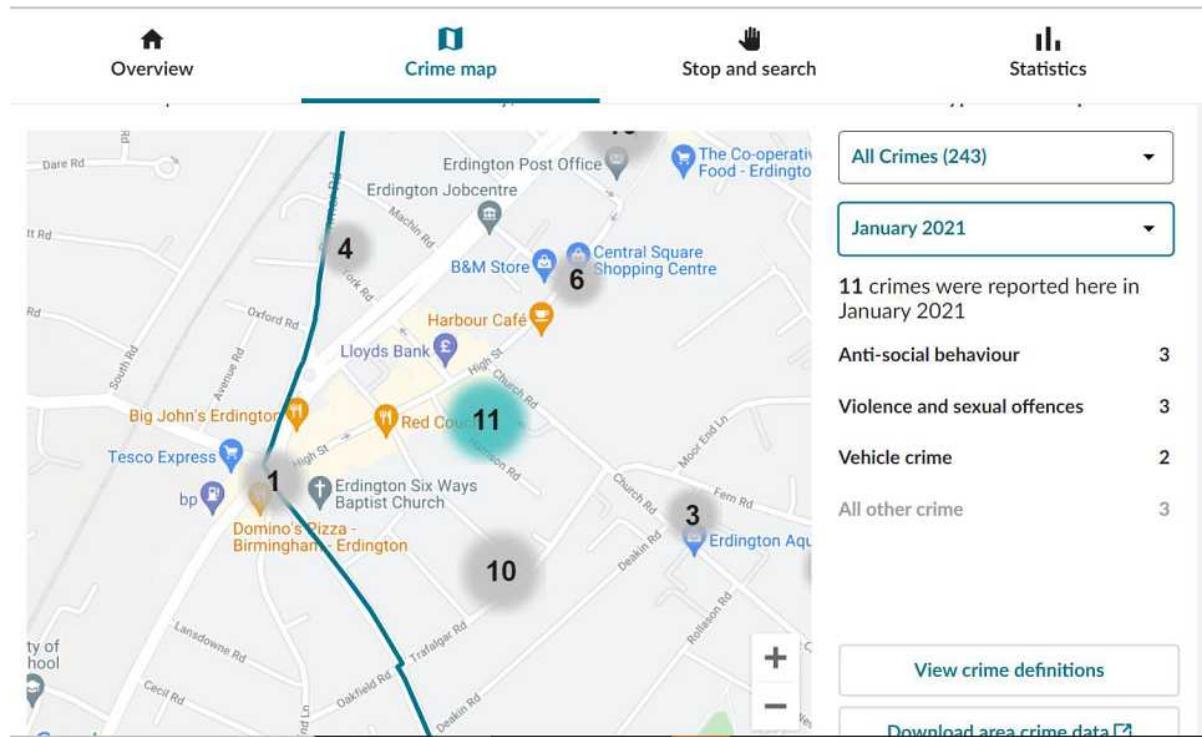
Christina McCullough
Licensing Enforcement Officer

Licensing Section | Regulation & Enforcement | City Operations Directorate
Postal Address: Licensing, PO Box 17831, Birmingham, B2 2HJ



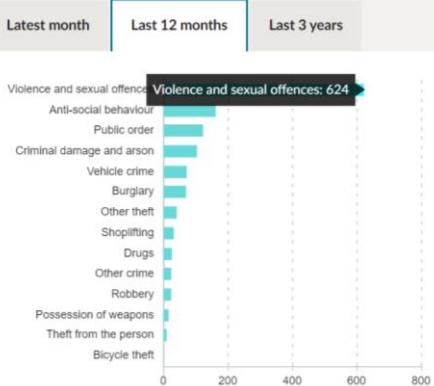






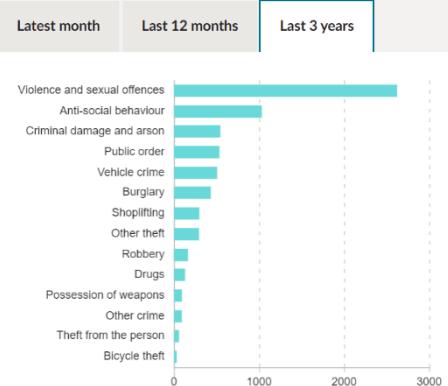
Crime types description

for the last 12 months (from Nov 2020 to Oct 2021)



Crime types description

for the last 3 years (from Dec 2018 to Oct 2021)



Alcohol is a factor in 39% of violent crime according to Alcohol Change UK

<https://alcoholchange.org.uk/alcohol-facts/fact-sheets/alcohol-crime-and-disorder>



**West Midlands Police Evidence Bundle:
Application for a Premises Licence at La Casa Boierului, 3
York Road, Erdington, Birmingham, B23 6TE**

PAGE(S)	DOCUMENT(S)
1 to 2	Statement of Licensing Officer Huram Taj
3	CIP MAP of Erdington taken from - Birmingham City Councils Statement of Policy 2015
4	Page 17 taken from - Birmingham City Councils Statement of Policy 2015 (Reviewed December 2020)
5-9	PC Aziz 2399 Community Impact Statement

WITNESS STATEMENT

Crime Number.....

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

URN

--	--	--	--

Statement of: Huram Taj 60679

Age if under 18: Over 18 (If over 18 insert 'over 18')

Occupation: Licensing Officer

This statement (consisting of 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: 

Date 12/11/2021

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

I am employed by West Midlands Police as a Licensing Officer currently based at Police HQ, Lloyd House Colmore Circus Birmingham B4 6NQ working with the Central Licensing Team. This team has responsibility for all licenced premises within the Birmingham City Council Area.

I am making this statement in relation to an application for a Premises Licence at La Casa Boierului 3 York Road Erdington B23 6TE. The application describes the premises as an international food shop, offering quality foods, meats and beverages serving the local community.

The application is seeking the premises license for the supply of alcohol off the premises between 11:00 and 22:30 seven days a week.

The premises are located just off the Erdington High street which has a heavy footfall. The premises are situated in an area that up until December 2020 was covered by a Cumulative impact policy (CIP) Area. This was due to its high concentration of premises licensed for the sale of alcohol on and off alcohol and was included in the CIP to prevent further crime and disorder and public nuisance impacting on the licensing objectives.

I have attached on page 3 a map of Erdington, which highlights the area of the CIP and shows the location of this application within that area.

Although the CIPs were removed from all areas within Birmingham, the issues of alcohol related crime and disorder and public nuisance impacting the local community still remain present today and are on-going.

When considering this application and West Midlands Police objecting, we have referred to the licensing act 2003 and Birmingham City Councils Statement of policy 2015 -

I have attached on page 4, a page from Birmingham City Councils statement of policy 2015, which was reviewed in December 2020 and refer to point 14.4 -

"The absence of a CIA does not prevent any responsible authority, or other person making representations on an application for the grant of variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives, however, in each case it would be incumbent on the person making the representation to provide relevant evidence of a cumulative impact"

It is common during the application stage and representation period to refer applications to the local neighbourhood policing teams for their comments. The team I work in covers all of Birmingham and value the expert knowledge and input of the neighbourhood team who can give a more detailed input and perspective into the assessment of an application in regards to its ability to promote the licensing objectives.

I contacted PS Robinson, The Neighbourhood Sergeant on October 25th making them aware of the application and if they have any comments or concerns in regards to this application being granted. He stated they could not support this application and would supply a community impact statement of their concerns in relation to a new licensed premise being granted in an area already saturated with premises permitted to sell alcohol. Alcohol induced behaviour is having a detrimental effect within the area on the local community whilst also stretching police resources with the current demand to deal with issues.

Sgt Robinson tasked PC Aziz 23996 to prepare the statement which clearly details the issues in the area linked with alcohol and anti-social behaviour. This community impact statement is attached on pages 5-9.

The applicant's agent has taken positive steps to engage with the police and proposed additional conditions that could help mitigate concerns, mainly around deterring street drinkers.

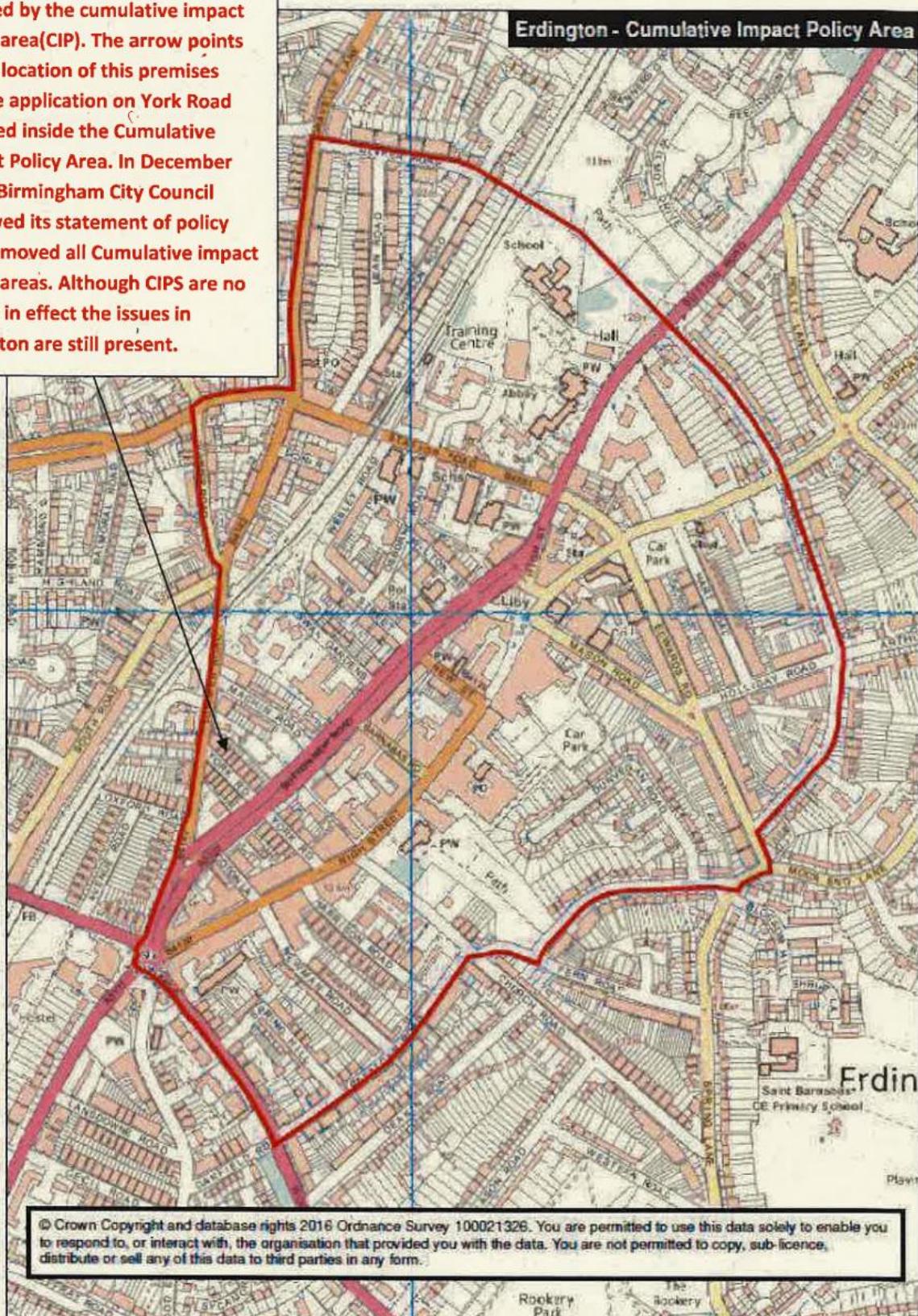
It is the stance of West Midlands police that no conditions would mitigate their concerns and that the granting of another premises licence in an area with an abundance of alcohol related crime and disorder and public nuisance, especially for off sales would only exacerbate the on-going issues.

Signature:  Signature witnessed by:

OFFICIAL (when complete)

3

The Red outline indicates the area covered by the cumulative impact policy area(CIP). The arrow points to the location of this premises licence application on York Road Situated inside the Cumulative Impact Policy Area. In December 2020, Birmingham City Council reviewed its statement of policy and removed all Cumulative impact policy areas. Although CIPS are no longer in effect the issues in Erdington are still present.



Map image of Erdington is taken from Birmingham City Council's Statement of Policy 2015, the latest edition of BCC Statement of policy does not include the images or any defined Cumulative Impact Policy areas.

14. Cumulative Impact

14.1 The cumulative Impact of licences in a particular area may lead to the area becoming saturated with premises of a certain type, making it a focal point for large groups of people, and thereby creating exceptional problems of crime, disorder and nuisance over and above the impact from the individual premises themselves.

14.2 A Cumulative Impact Policy requires a Cumulative Impact Assessment (CIA) to be carried out. A cumulative impact assessment helps to inform the statement of licensing policy with the aim of limiting the number of licence applications granted where there is evidence to show that the number of licensed premises in a particular area is having a cumulative impact and leading to problems which are undermining the licensing objectives.

14.3 There is no current cumulative impact assessment in effect. When carrying out such an assessment reference shall be made to the steps outlined in the s182 Guidance.

14.4 The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. However, in each case it would be incumbent on the person making the representation to provide relevant evidence of cumulative impact.

14.5 The effect of a special policy is to create a rebuttable presumption that applications for new licences/certificates or material variations to existing licences will normally be refused unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives being experienced.

14.6 The Council recognises that any special policy regarding cumulative impact is not absolute and where licences will not add to the cumulative impact, or where no relevant representations have been received, the licence will be granted.

14.7 A special policy regarding cumulative impact will not be used to attempt to revoke an existing licence or certificate. When representations are made about the way a premises is being operated then they would be considered and determined in respect of the four licensing objectives. However, the special policy may be a justification to refuse an application to vary a licence or certificate. The Council recognises the difference between cumulative impact and the commercial needs of premises in an area. Need and market forces are not matters for the Council to consider as part of its licensing function. 18

14.8 The Council will not operate a quota of any description. Each application will be considered on its individual merits. Proper regard will be given to the contrasting styles and individual characteristics of the premises concerned and the differing impact they will have on the local community



Applicant: Chief Constable of West Midlands Police

5

Name: PC 23996 Innayah Aziz

Statement Number: 01

Exhibit: IA/01

Date: Friday 12th November 2021

In the Licensing Hearing (Birmingham Licensing Authority)

Application for a premises licence for LA CASA BOIERULUI LTD, 3 York Road, Erdington, B23 6TE

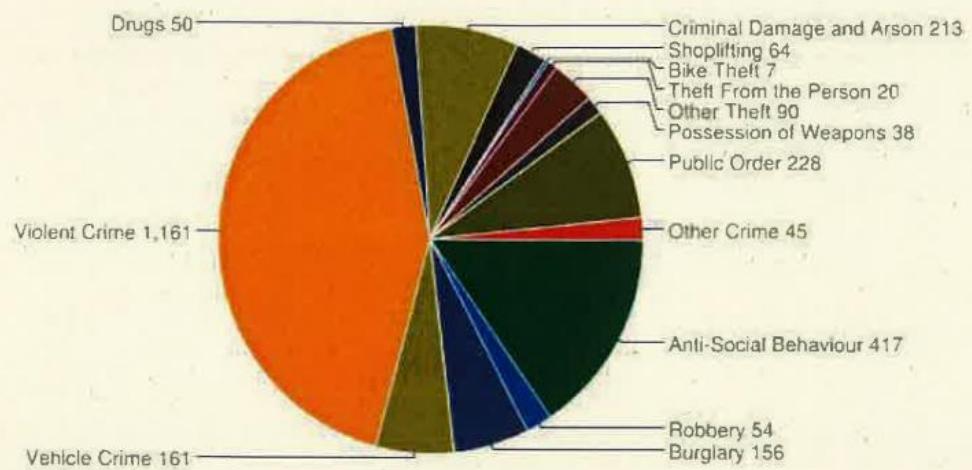
Premises Applicant: La Casa Boierului Ltd

Objecting Responsible Authority: Chief Constable of West Midlands Police

Witness Statement

1. I am PC 23996 Innayah Aziz of West Midlands Police. I'm a constable based on the Erdington Neighbourhood Team.
2. Erdington has a high population density and is an ethnically diverse area with a population of individuals from Irish, Afro-Caribbean, and Pakistani origins.
3. The rate of unemployment in Erdington is significantly higher than the average for and higher than the national average. It is also considered to be one of the most deprived wards in Birmingham.
4. The housing in Erdington is a combination of private properties and council housing which includes a large proportion of House for Multiple Occupancies (HMO's) and hostels, as a result the area is economically deprived.
5. Erdington is an impact area as analysis has shown there is a disproportionate amount of crime, demand, deprivation and harm. The crimes in the area include, thefts, robberies, criminal damage and anti-social behaviour such as, street drinking, drug dealing, and assaults.
6. Erdington High Street is also reported to be responsible for around 5% of the violent crime recorded within the West Midlands Police area.

7. (Figure 1: Crime and ASB Breakdown reported for Erdington from June 2020-June 2021 (UK Crime Stats, 2021)

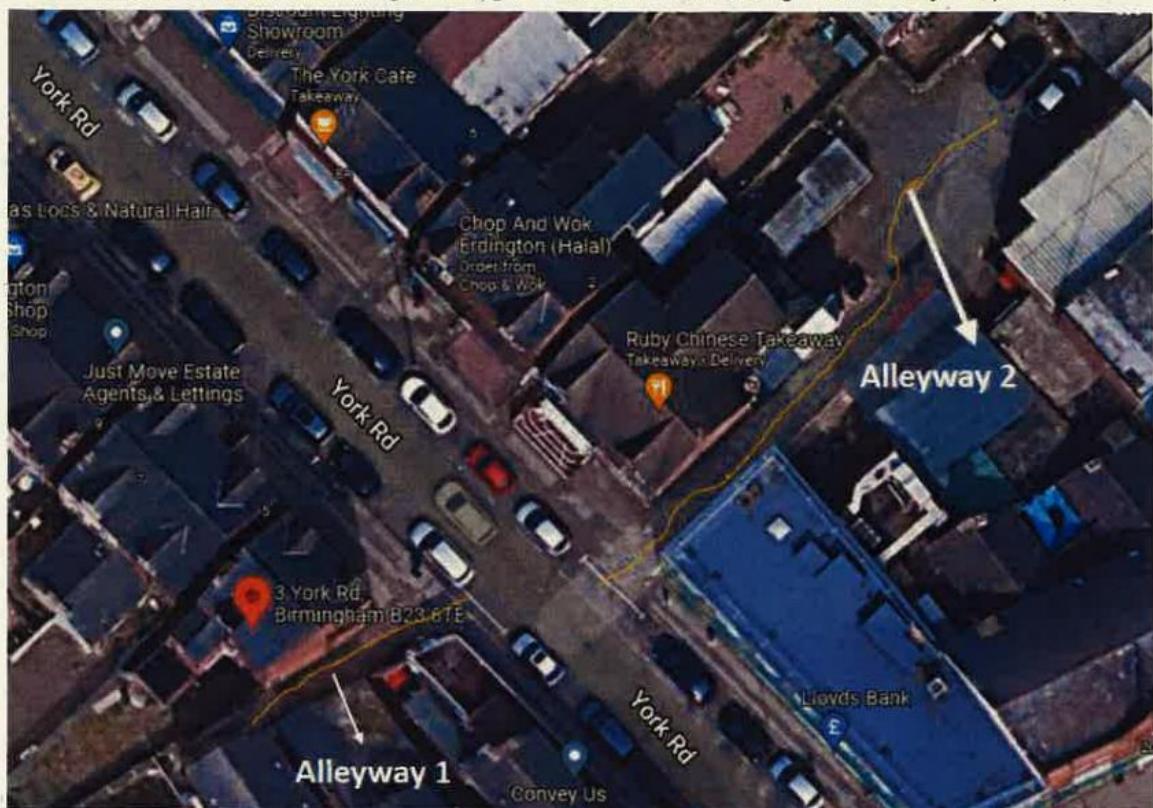


8. (Figure 2: Map of Erdington High Street and surrounding roads (Google, 2021)



9. The proposed off-licence plans to be situated on York Road which is located just off Erdington High Street, as displayed on figure 2 and is less than a 1 minute walk from the High Street.
10. The key problems reported to the neighbourhood team surround, highly intoxicated individuals, begging, and anti-social behaviour on the high Street and surrounding roads. The policing team have been made aware of these issues from first-hand accounts from governing bodies, local organisations and members of the public via general discussions, community surveys and meetings, emails, calls for service, as well as incidents' I have witnessed from a first-hand account.
11. For over 5 years there has been a long-term street drinking problem on Erdington High Street and individuals/groups highly intoxicated, as a result the local community fear for their safety. Those under the influence of alcohol are intimidating and aggressive, particularly when gathered in groups, becoming physically and verbally violent towards members of the public. Subsequently the area has a low footfall in attracting people into the area, fears and concerns continue to be raised regarding this serious problem.
12. The High Street considerably suffers from anti-social behaviour from many individuals who are under the influence of alcohol. The police receive many complaints from members of the public, retail staff and business owners, regarding the large issue of intoxicated individuals on the High Street, this a daily occurrence, with large groups congregating on the High Street particularly by the Dixons estate agents. The behaviour of these intoxicated individuals/groups includes becoming verbally abusive towards each other as well as innocent members of the community who are going about their day, unfortunately the aggression can escalate to physical altercations. The behaviour frequently leads to criminal offences being committed such as, serious assaults, violent disorders, and thefts (including shoplifting).
13. Furthermore, those under the influence of alcohol also congregate outside the St Barnabas churchyard, becoming verbally abusive towards staff and often continue to drink out in public and then leave their used cans and broken bottles on the church grounds.
14. There are currently seven independent off-licences selling alcohol, some stores open as early as 0800 hours and closing times are late as 0300 hours. There are also chained retail stores on the High Street also licensed to sell alcohol too. There are approximately 14 stores on the High Street permitted to sell alcohol, additionally there is also 4 pubs located on the High Street and surrounding roads.
15. It is evident from figure 2 that a large amount of the High Street consists of stores that serve alcohol whether it is off-licences, pubs or retail stores.
16. On regular occasions large groups of up to 20 can be seen under the influence of alcohol at any time of the day, behaving in an anti-social way. They can be seen on and around the High Street particular hotspots include the six ways roundabout, as well as alleyways. There are frequent complaints from members of the community of those under the influence of alcohol loitering in alleyways in groups, intimidating members of the community who use the alleyways to gain access to their properties.

17. (Figure 3: Displaying the 2 hotspot alleyways where those under the influence of alcohol cause anti-social behaviour including loitering around and intimidating members of the public).



18. Unfortunately where the proposed store is located is directly within the vicinity of two alleyways. Alleyway 1 located on the right side of the store entrance and Alleyway 2 is located directly opposite the store, this can be seen in figure 3. The police receive reports from members of the community including residents that reside on York road or above the shops, with the entrance to their property being via these alleyways, reporting they are in fear to leave their home due to the aggressiveness they encounter from highly intoxicated individuals and groups.

19. Furthermore, there are also those who drink on the streets that leave mess and litter behind including beer cans and glass bottles, there have also been reports of street drinkers using public phone boxes and alleyways as a toilet to urinate and defecate.

20. The Erdington Neighbourhood team proactively police the High Street as it is a hotspot policing location for anti-social behaviour and police incidents'. However, the High Street is not the only part of demand that they cover and cannot be policed 24 hours a day, seven days a week.

21. The police neighbourhood team are proactively targeting anti-social behaviour in the area including proactive foot and mobile patrols to move highly intoxicated individuals & groups on and also issue them with formal warnings if they have been street drinking. The street drinking on Erdington High Street is currently managed by a proactive management plan, reference number: PMP/13361/21.

9

22. From the number of premises available on the High Street providing alcoholic beverages, I believe a further off-licence is not necessary. The area unfortunately is now suffering with the aftermath of various off licence stores. I believe it would be unfair on the local community for this licence to be approved.
23. It is a strong belief of the Erdington Police Neighbourhood Team that the motion for this store to sell alcohol will add to the further detrimental impact around alcohol related anti-social behaviour in the local area. There is currently a huge issue around anti-social behaviour on the High Street and I feel that the store will negatively impact the local area. West Midlands Police are current dealing with the disorders presented on the High Street due to the large number of off-licences, and would be further strain on the service for a further off-licence to be opened.
24. Additionally with the knowledge of the area, the opening of another off-licence will result in further police resources having to be put into the area.
25. In my professional opinion, if this application is granted it will be detrimental to the local community as there will be further disorder and anti-social behaviour area in the area. The off-licence will result in a further growth of drinkers congregating and causing anti-social behaviour on York Road.
26. It is highly likely as a result West Midlands Police will be required to respond to incidents around anti-social behaviour and crime, unfortunately at this time resources are already stretched due to the current climate of the COVID 19 pandemic.
27. The Erdington Neighbourhood Team have reviewed the impact that this proposal would from a policing perspective, and have taken into account the local communities fears and concerns. Therefore we strongly believe this application should not be granted.

Statement of Truth

I believe that the facts contained in this statement are true.

Signed: I.A

Dated: 12/11/2021