

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee B</b>
<b>Report of:</b>	<b>Acting Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Tuesday 26<sup>th</sup> September 2017</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Grant</b>
<b>Premises:</b>	<b>Bodega Cantina, 26 Birmingham Road, Sutton Coldfield, B72 1QG</b>
<b>Ward affected:</b>	<b>Sutton Trinity</b>
<b>Contact Officer:</b>	<b>Shaid Yasser, Senior Licensing Officer, 0121 303 9896, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### 1. Purpose of report:

To consider relevant 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 12:00midday until 01:00am (Monday to Sunday).

To permit the provision of Late Night Refreshment to operate from 11:00pm until 01:00am (Monday to Sunday).

Premises to remain open to the public from 12:00midday until 01:30am (Monday to Sunday).

Other dates and times as specified in the application form.

### 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 3<sup>rd</sup> August 2017 in respect of Bodega Cantina, 26 Birmingham Road, Sutton Coldfield, B72 1QG.

Representations have been received 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:**

Mybodega Limited applied on 3<sup>rd</sup> August 2017 for the grant of a Premises Licence for Bodega Cantina, 26 Birmingham Road, Sutton Coldfield, B72 1QG.

Representations have been received from other person, which are attached at Appendices 1 & 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:**

Copy 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

Entalop  
a

---

**From:**  
**Sent:** 09 August 2017 18:49  
**To:** Licensing  
**Subject:** Late license La Bodega Ltd 26 Birmingham Road

Hi there,

I have seen that there has been an application for an alcohol license & a late license at the above premises.

I live at Birmingham Road & have concerns about the late licence application not the general application to serve alcohol. Whilst there are restaurants around us, they do not offer late opening hours or late night drinking. Birmingham Road has many flats & houses surrounding this venue as well as residential roads opposite & behind it. The road can sometimes be noisy with people leaving sutton centre & local restaurants at night. A venue serving alcohol til 1am with people leaving later will have a seriously negative effect on the residents leading to further disruption & unnecessary noise into the early hours. I would like to make an objection as a resident to this late license.

If there is a form I need to complete to object or an alternative person I need to contact, please let me know.

Regards

## Appendix 2

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED  29 AUG 2017  REF NO <u>ENTRAGED SY</u> INITIALS _____
---------------------------------------------------------------------------------------------------------------------------------------------

Bishops Rd  
Sutton Coldfield  
Birmingham  
B73  
21/8/17

Dear Sir/ Madam

Application Reference 102473- Bodega Cantina at 26 Birmingham Road, Sutton Trinity

- Reference the above application I understand the application is for sales and consumption on the premises only. Generally, I do not have an issue with this so long as all drinks sold are consumed on the premises. I do not think any drinking should be permitted in the alcohol free area of Birmingham Road. In particular on the footpath outside the operation which is the public space not the premises property. I interpret retail premises licence to have this restriction.
- I do feel that the opening hours for the serving of alcohol and refreshments on the New Year's Eve is excessive.
  - The proposal is until 5 a.m. each year, or possibly continuation through to noon the 2<sup>nd</sup> January, in effect 24 hour opening for drink, if I have understood correctly re alcohol.
  - I would not have an issue with an extension of the hours for sale until 2.00 a.m. on New Year's Eve and this is more in keeping with other businesses in the proximity.
  - I feel the implication of this current proposal has the potential to turn what is already a very hectic and noisy evening in the location, and adjacent residential areas, which is my prime concern, into something which, if badly managed and controlled, could cause anti-social issues within the local area well into the morning.
  - I believe the premises being open to all throughout this period for the sale of refreshments is also likely to cause disruption and a close time of 2 a.m. feels prudent to minimise the potential for anti-social issues.

Regard

## Appendix 3



### Birmingham Application for a premises licence Licensing Act 2003

For help contact  
[licensingonline@birmingham.gov.uk](mailto: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  This is the unique reference for this application generated by the system.

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

#### Applicant Details

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code

Other telephone number

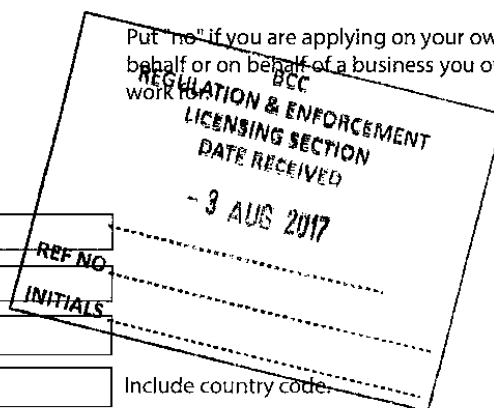
☒ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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

☐ Applying as an individual

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



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

#### Applicant Business

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

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

Registration number

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

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

Legal status

*Continued from previous page...*

Applicant's position in the business

Director

Home country

United Kingdom

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

Peter

\* Family name

Adkins

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

☐ A private individual acting as an agent

**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

06850969

Business name

DAKEYNE EMMS GILMORE LIBERSON LIMITED

If your business is registered, use its registered name.

VAT number

GB

948 761571

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

Legal status

Private Limited Company

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

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

**Premises Address**

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

☒ Address    ☐ OS map reference    ☐ Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 21****APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 21****NON INDIVIDUAL APPLICANTS**

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

**Non Individual Applicant's Name**

Name

**Details**

Registered number (where applicable)

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



Continued from previous page...

Private Limited Company

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Contact Details**

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality  Documents that demonstrate entitlement to work in the UK

**Section 5 of 21**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

The premises will occupy the ground floor of the building only. The premises are a former shop and situated within a row of other retail premises. There are other licensed premises in the locality

<p><b>Continued from previous page...</b></p> <p>If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend</p> <div style="border: 1px solid black; width: 100px; height: 20px; margin-left: 200px;"></div>
<b>Section 6 of 21</b>
<b>PROVISION OF PLAYS</b>
<p>See guidance on regulated entertainment</p> <p>Will you be providing plays?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<b>Section 7 of 21</b>
<b>PROVISION OF FILMS</b>
<p>See guidance on regulated entertainment</p> <p>Will you be providing films?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<b>Section 8 of 21</b>
<b>PROVISION OF INDOOR SPORTING EVENTS</b>
<p>See guidance on regulated entertainment</p> <p>Will you be providing indoor sporting events?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<b>Section 9 of 21</b>
<b>PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS</b>
<p>See guidance on regulated entertainment</p> <p>Will you be providing boxing or wrestling entertainments?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<b>Section 10 of 21</b>
<b>PROVISION OF LIVE MUSIC</b>
<p>See guidance on regulated entertainment</p> <p>Will you be providing live music?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<b>Section 11 of 21</b>
<b>PROVISION OF RECORDED MUSIC</b>
<p>See guidance on regulated entertainment</p> <p>Will you be providing recorded music?</p> <p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<b>Section 12 of 21</b>
<b>PROVISION OF PERFORMANCES OF DANCE</b>
<p>See guidance on regulated entertainment</p> <p>Will you be providing performances of dance?</p>

Continued from previous page...

**Section 13 of 21**

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

See guidance on regulated entertainment

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

☐ Yes

☒ No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

☒ Yes

☐ No

**Standard Days And Timings**

**MONDAY**

Start

End

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

Start

End

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

*Continued from previous page...*

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

☒ Indoors

☐ Outdoors

☐ Both

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

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

Late night refreshment (hot food)

State any seasonal variations

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

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

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

On New Years Eve from 23:00 to 05:00 on New Years Day

## Section 15 of 21

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

Continued from previous page...

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

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.

On New Year's Eve from the end of normal permitted hours to the commencement of permitted hours on New Year's Day

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

*Continued from previous page...*

**Name**

First name

Family name

Date of birth  /  /   
dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number  
(if known)

Issuing licensing authority  
(if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

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

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

We do not expect any adult entertainment nor other activities to take place in the premises which will give rise to concern in respect of children.

Continued from previous page...

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

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

**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.

On New Year's Eve from end of normal opening hours to commencement of normal hours on New Year's Day
------------------------------------------------------------------------------------------------------

*Continued from previous page...*

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

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

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

A Challenge 25 Policy will be adopted

A refusals register will be maintained

CCTV will be installed to meet the reasonable requirements of the Police. Images will be retained for a period of 31 days.

b) The prevention of crime and disorder

The premises manager or DPS will take an active part in the local Pubwatch scheme (if there is one)

c) Public safety

Normal requirements for fire and safety equipment will be met

d) The prevention of public nuisance

Signs will be erected requesting customers to be considerate of local residents when leaving the premises

e) The protection of children from harm

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**



*Continued from previous page...*

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

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

**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 **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **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.
- 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.

*Continued from previous page...*

- 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 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, 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.

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.

## **Section 20 of 21**

### **NOTES ON REGULATED ENTERTAINMENT**

*Continued from previous page...*

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

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

*Continued from previous page...*

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

## Section 21 of 21

### PAYMENT DETAILS

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

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

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

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

1

Continued from previous page...

I/WE UNDERSTAND 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.

1 I/WE UNDERSTAND 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.

☒ 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

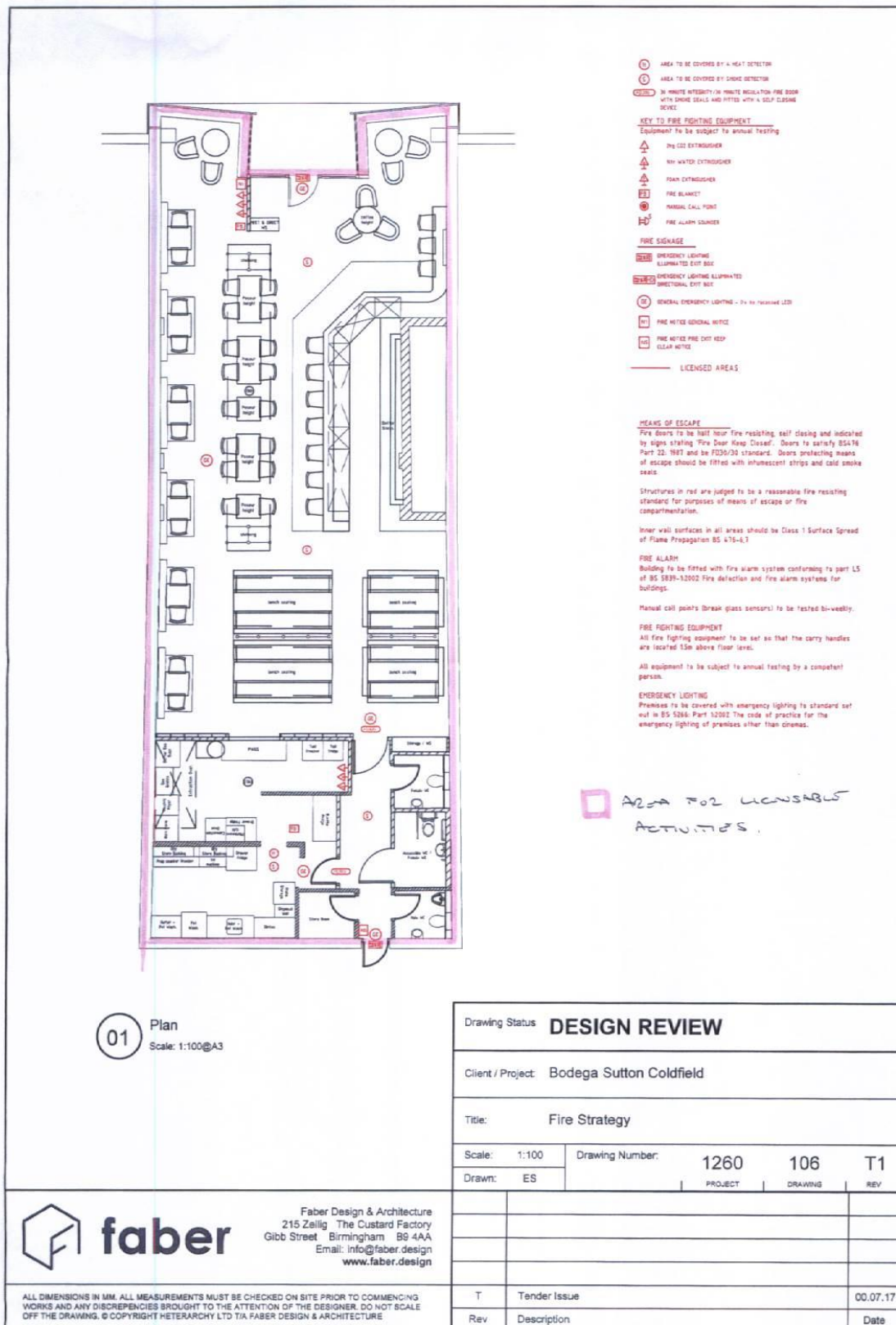
Once you're finished you need to do the following:

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**



## Appendix 4

---

**From:** Dot Finegan  
**Sent:** 21 August 2017 07:03  
**To:** Peter Adkins  
**Cc:**  
**Subject:** RE: Grant of Premises Licence - Bodega Cantina - 26 Birmingham Road

Hi

Thanks for your e-mail. I have passed this on to our Licensing Team for the necessary amendments.

Kind regards

Dot Finegan  
Licensing Enforcement Officer  
Birmingham City Council Licensing Enforcement  
Address: Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES  
Website: [www.birmingham.gov.uk/licensing](http://www.birmingham.gov.uk/licensing) Twitter: @BCCLicensing

"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

---

**From:** Peter Adkins  
**Sent:** Wednesday, August 16, 2017 5:44 PM  
**To:** Dot Finegan  
**Subject:** RE: Grant of Premises Licence - Bodega Cantina - 26 Birmingham Road

Dear Dot

I have discussed your proposed conditions with my client and they are happy to accept them.

Best wishes

**Peter Adkins**  
Director of Regulatory Services / Licensing

**EMMS•GILMORE•LIBERSON**  
Solicitors

Registered Office: Lancaster House | 67, Newhall Street | Birmingham | B3 1NQ

---

Dakeyne Emms Gilmore Liberson Limited is registered in England and Wales under company number 6850969 authorised and regulated by the Solicitors Regulation Authority under SRA number 558275 (see <http://www.sra.org.uk/solicitors/handbook/code/content.page>). A list of the directors' names and their professional qualifications is available for inspection at the registered office.  
The information contained in this message is intended only for the recipient, may be legally privileged and confidential and

---

**From:** Dot Finegan  
**Sent:** 16 August 2017 09:42  
**To:** padkins  
**Cc:**  
**Subject:** Grant of Premises Licence - Bodega Cantina - 26 Birmingham Road

Dear Chris

I am in receipt of your application for a Grant of the premises licence at the aforementioned location with the representation period ending on 31/8/17.

You will appreciate that conditions attached to the premises licence should not only be enforceable but also effectively promote the four licensing objectives.

In considering the application submitted the Licensing Enforcement Team has applied the tests of necessity and reasonableness in order to promote the four licensing objectives and I have there attached a list of conditions which the Licensing Enforcement Team will require the applicant to accept as conditions attached to the premises licence.

Subject to the applicant or you as their authorised agent confirming in writing they agree to accept the attached conditions there will be no need to the Licensing Enforcement Team to make a representation regarding the application submitted.

So could you please consider that for the above premises the following:

#### **General**

All members of staff will receive training regarding the:-

- four licensing principles contained in the Licensing Act 2003;
- responsible retailing of alcohol, and law regarding sales of alcohol;
- protection of children from harm and this must include how to competently check customers' identification where necessary;
- permitted hours during which licensable activities can take place, and the conditions attached to the premises licence.

The training provided to staff will be recorded and each member of staff will sign and date the training records to confirm they have received and understood the training provided.

The staff training records will be kept at the premises and made available to any Responsible Authority upon request.

#### **Prevention of Public Nuisance**

A notice must be prominently displayed in the premises requesting that customers respect the needs of local residents and other businesses in the vicinity and to leave the premises quietly.

#### **Protection of Children from Harm**



The premises licence holder will implement and operate a challenge 25 age verification policy to prevent the sale or supply of alcohol to persons under 18 years of age.

A copy of the written age verification policy must be signed by all members of staff to confirm they have read and understand the policy and this signed copy must be maintained at the premises and available for inspection by any Responsible Authority on request.

A notice will be displayed at the premises and clearly visible to customers informing them that a challenge 25 policy is in operation at the premises.

### **Crime**

*Please can the following be amended: The Premises Licence holder shall ensure CCTV will be installed to meet the requirements of West Midlands Police. Images will be retained for a period of 31 days for inspection*

**To read** The Premises Licence holder shall ensure CCTV will be installed to meet the requirements of West Midlands Police. Images will be retained for a period of 31 days and made available to any Responsible Authority on request.

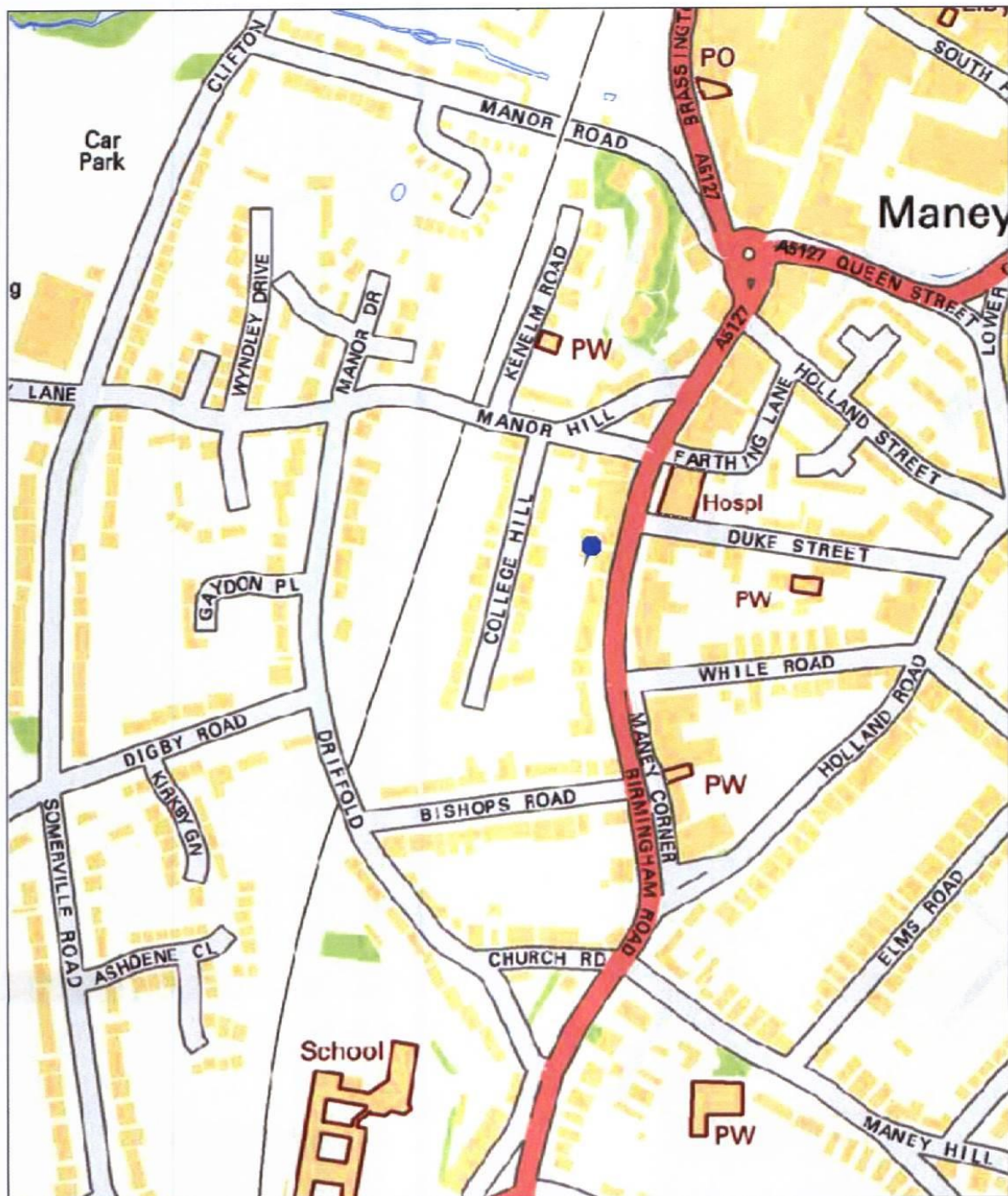
I would welcome your comments on the above.

Kind regards

Dot Finegan  
Licensing Enforcement Officer  
Birmingham City Council Licensing Enforcement  
Address: Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES  
Website: [www.birmingham.gov.uk/licensing](http://www.birmingham.gov.uk/licensing) Twitter: @BCCCLicensing

"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

## Appendix 5



Map Created By:

Date of Map Creation: 08/09/2017

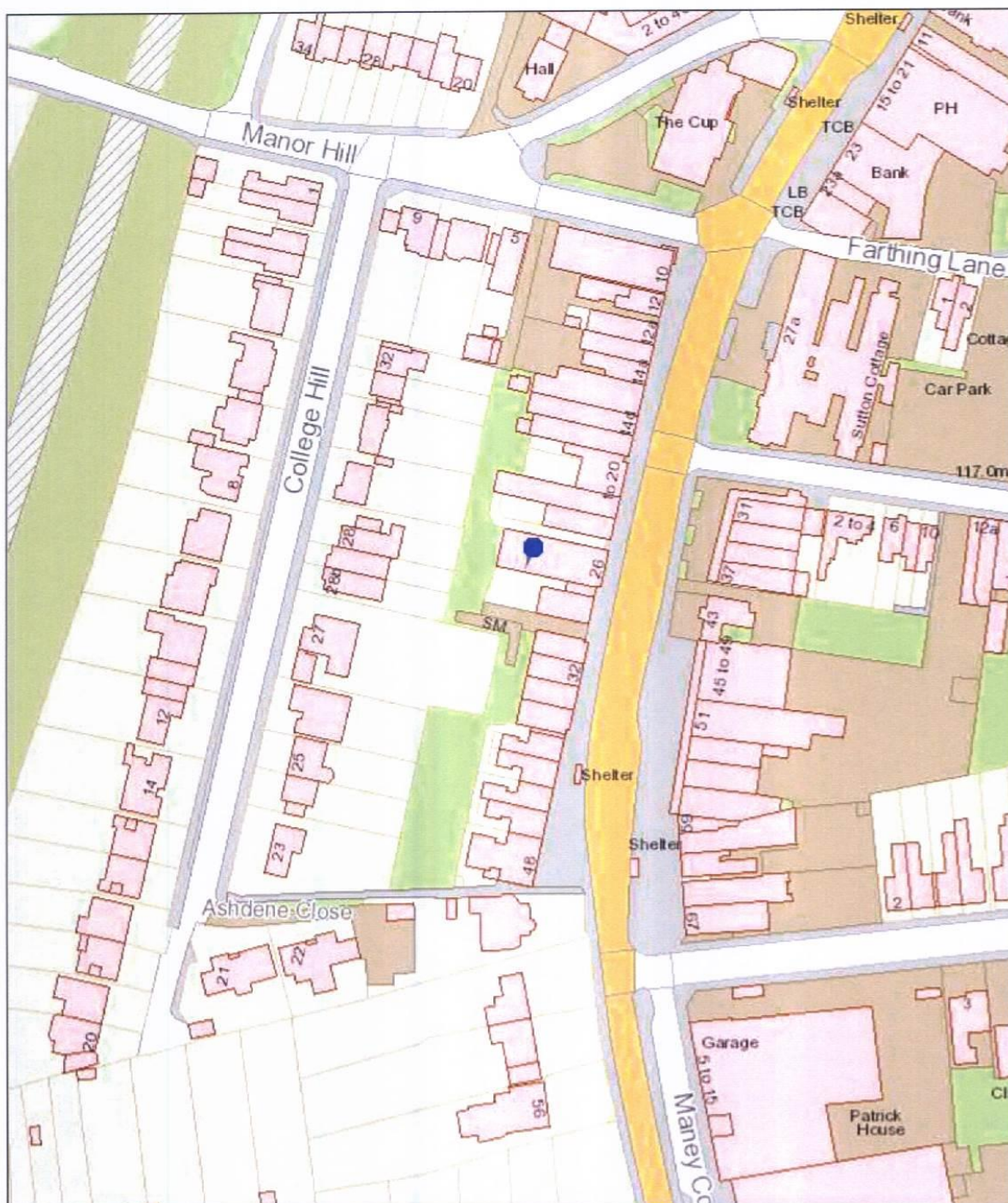
Notes



Scale:  
1:4,000

(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).  
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.  
(c) GeoPerspectives, supplied by Bluesky International Ltd  
Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved





**Birmingham City Council**

Map Created By:

Date of Map Creation: 08/09/2017

**Notes**



Scale:  
1:1,250

(c) Crown copyright. All rights reserved. Birmingham City Council 100021326 (2016).  
You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

(c) GeoPerspectives, supplied by Bluesky International Ltd

Cities Revealed® copyright by The GeoInformation® Group, 2014 and Crown Copyright © All right reserved