

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 12 AUGUST 2020 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

Chairman to advise meeting to note 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

3 - 34

4 LICENSING ACT 2003 PREMISES LICENCE – GRANT FOODSTARS, 31 – 32 MANCHESTER STREET, BIRMINGHAM, B6 4HL

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 Chairman 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 12th August 2020
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Foodstars, 31 – 32 Manchester Street, Birmingham, B6 4HL
Ward affected:	Aston
Contact Officer:	David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider a representation that has been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption off the premises only) to operate from 11:00am until 11:00pm (Monday to Sunday).

To permit the provision of Late Night Refreshment, to operate indoors only, from 11:00pm until 2:00am (Monday to Sunday).

Due to the nature of the application the public will not have access to the premises.

2. Recommendation:

To consider the representation that has been made and to determine the application.

3. Brief Summary of Report:

An application for a Premises Licence was received on 19th June 2020 in respect of Foodstars, 31 – 32 Manchester Street, Birmingham, B6 4HL.

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

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

Foodstars BH Ltd applied on 19th June 2020 for the grant of a Premises Licence for Foodstars, 31 – 32 Manchester Street, Birmingham, B6 4HL.

A representation has been received from West Midlands Police as a responsible authority. See Appendix 1.

The application is attached at Appendix 2.

Conditions have been agreed with Birmingham City Council Licensing Enforcement and the applicant, which are attached at Appendix 3.

Site Location Plans at Appendix 4.

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

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

6. List of background documents:

Copy of the representation as detailed in Appendix 1

Application Form, Appendix 2

Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 3

Site Location Plans, Appendix 4

7. Options available

To Grant the licence in accordance with the application.

To Reject the application.

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

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

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

From: Mark Swallow
Sent: 17 July 2020 09:45
To: Licensing
Subject: PREMISES LICENSE APPLICATION FOODSTARS BH LTD REFERENCE 115563

PREMISES LICENSE APPLICATION FOODSTARS BH LTD REFERENCE 115563

LICENSING AUTHORITY,

With reference to the above application this is an application by Foodstars BH Ltd for a premises license for the premises 31-32 Manchester St, Birmingham. B6 4HL. The company proposes to convert the current warehouse premises into 20 individual kitchens that will prepare food and supply food and alcohol between the hours of 1100 hours and 0200 hours each day.

The company and the individual kitchens will partner Deliveroo, Uber Eats and Just Eat. These companies will take the orders for food and alcohol via food apps, pass them on to the kitchens who will supply the companies with the order for delivery to the customer. To achieve the licensing objectives Foodstars proposes to rely on the terms and conditions that the three delivery companies offer. They are not proposing to do any deliveries on their own

As alcohol is a key factor in numerous crimes away from licensed premises the control of its supply has to be fundamentally robust. I have given due consideration to this business arrangement and I am not satisfied that this provides sufficient protections that alcohol will not be supplied to either children and young persons or people that are drunk.

The concern is around the delivery of the alcohol and the fact that a third party delivery company would not be liable to any offences under the licensing act.

There are 3 offences under the Licensing act which look at this matter but we argue would not be committed by a third party company

Section 141 – sale of alcohol to a person who is drunk

- This only relates to sales on those premises, as the goods will be delivered and the sale has already taken place, there is no offence if the driver delivered to a drunk person and no come back

Section 146 – sale of alcohol to a child.

- A sale is defined at the point the goods are appropriated for the contract, in effect this means when the goods are taken from the shelf at the premises, it is not at the point of cash transaction. So when the premises took the goods of the shelf and handed or bagged it for delivery the sale is made. This wouldn't be to the person who had ordered it as they would be handed to the delivery driver
- The delivery driver when delivering the alcohol would not be selling it so this offence is not made out and the driver has no come back

Section 151 – delivering alcohol to children

- This offence is only committed by an employee of the premises, as a third party contractor the driver is not an employee of the company

This is an argument we have expressed before to BCC licensing committees and one that was upheld by the committee who expressed concerns around the lack of control and accountability for the alcohol.

Any alcohol that is supplied will be appropriated when the kitchens hand it over to the delivery company. The kitchens will have no interaction with the ultimate customers, either at point of ordering or supply. The food delivery companies personnel who take the order and supply the goods will be different.

As these companies work on a basis of whoever is nearest can bid for jobs the premises have no knowledge of who will turn up, if they have had any training, had any idea of what this training is and whether it meets the premise licence holders requirement, and so would be unable to ensure that the licensing objectives can be promoted effectively

To remove the concerns and achieve the licensing objectives I have proposed to Foodstars that a condition be added to the license that either the products were delivered by staff employed by the company or that if delivery app companies were to be used then the delivery takes place at least twenty four hours after the order was placed. This has been communicated to and explained to the company, however, it is not acceptable to them.

The reason for this condition is it removes the immediate threat of people who have already consumed alcohol or kids at home with access to bank cards just thinking they could order some food, or just alcohol and get it delivered straight away, there would have to be a delay. If the premises delivered themselves then there is more accountability and so this condition wouldn't apply to them.

The lateness in the hours of operation increase the risk around drunkenness and children.

I would therefore wish to raise an objection to the application based on the grounds of:

The prevention of crime and disorder,

The protection of children,

The prevention of public nuisance.

MARK SWALLOW.

WEST MIDLANDS POLICE

LICENSING DEPARTMENT

LLOYD HOUSE, BIRMINGHAM

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Birmingham
Application for a premises licence
Licensing Act 2003

For help contact
licensingonline@birmingham.gov.uk
 Telephone: 0121 303 9896

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference 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

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

☐ Applying as an individual

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

Applicant Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

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

Registration number

Business name If your business is registered, use its registered name.

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

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?	
<input type="checkbox"/> An individual or individuals <input checked="" type="checkbox"/> A limited company / limited liability partnership <input type="checkbox"/> A partnership (other than limited liability) <input type="checkbox"/> An unincorporated association <input type="checkbox"/> Other (for example a statutory corporation) <input type="checkbox"/> A recognised club <input type="checkbox"/> A charity <input type="checkbox"/> The proprietor of an educational establishment <input type="checkbox"/> A health service body <input type="checkbox"/> A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales <input type="checkbox"/> A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England <input type="checkbox"/> The chief officer of police of a police force in England and Wales	
Confirm The Following	
<input checked="" type="checkbox"/> I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities <input type="checkbox"/> I am making the application pursuant to a statutory function <input type="checkbox"/> I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative	
Section 4 of 21	
NON INDIVIDUAL APPLICANTS	
Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.	
Non Individual Applicant's Name	
Name	<input type="text" value="Foodstars BH Ltd"/>
Details	
Registered number (where applicable)	<input type="text" value="09840743"/>
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

* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

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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.

Foodstars is a delivery only kitchen provider, meaning we rent out commercial kitchens in our buildings to members who are restaurateurs, for the use of preparing food and drink to be ordered by the consumer online, picked up and delivered by food delivery companies (such as Deliveroo, UberEats, Just Eat), and to be consumed off the premises. The premise is a former manufacturing warehouse, located in an industrial area, just on the outskirts of the city centre. This premise is not open to the public. There are 40 kitchens in total in the building, with 20 kitchens located on the ground floor, and 20

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Kitchens located on the first floor. As seen in the floor plan attached, the ground and first floor kitchens are identical modular builds. Storage, welfare areas, and toilets differ across the floors. There is a large front yard that is utilized by delivery drivers. There is also a backyard area containing a mechanical plant such as an electric substation.

As seen in the premise plan attached, there are 34 CCTV cameras in total for inside and outside of the building. The doors used to enter the facility are access controlled. Every kitchen inside the building then has a door with a different coded lock. These codes are changed anytime there is a change in the team, and the master code is changed on a monthly basis.

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Continued from previous page...

Will you be providing recorded music?

☐ Yes ☒ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes ☒ No

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

See guidance on regulated entertainment

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

☐ Yes ☒ No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start End

Start End

TUESDAY

Start End

Start End

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

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.

Continued from previous page...

SATURDAY

Start 23:00

End 02:00

Start

End

SUNDAY

Start 23:00

End 02:00

Start

End

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.

The type of activity to be authorized is the sale of alcohol and hot food from 23:00 to 2:00 in the form of takeaway, to be ordered by consumers online using delivery platforms (such as Deliveroo, UberEats, and Just Eat), picked up and delivered to consumers by said delivery companies, to be consumed off the premises. Alcohol and hot food will not be sold to be consumed on the premises.

State any seasonal variations

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

There will be no seasonal variations to the hours where the supply of late night refreshments (i.e. sale of alcohol and hot food) to be consumed off the premises will occur.

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.

The premises will not be used for the supply of late night refreshments (i.e. supply of alcohol and hot food) at different times from those listed above.

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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.

There will be no seasonal variations to the hours where the supply of alcohol to be consumed off the premises will occur.

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

Continued from previous page...

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

The premises will not be used for the supply of alcohol at different times from those listed above.

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

Name

First name

Family name

Date of birth - -

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'.

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ADULT ENTERTAINMENT

Continued from previous page...

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

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

No adult entertainment or services will be provided on the premises.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

Continued from previous page...

The premise will never be open to the public.

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.

The premise will never be open to the public.

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LICENSING OBJECTIVES

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

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

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

We have taken our business model which operates on a membership basis, the location of our premise, and local community into consideration and have conducted a risk assessment that will allow us to minimize the levels of risk created by supplying alcohol to be consumed off the premises, prevent any issues that may occur, and fulfill the licensing objectives. As such, we have developed and will implement the best practice policies and procedures outlined below.

1. Alcohol and food sold will only be consumed off the premises. Alcohol will be sold in the form of takeaway, to be ordered by consumers online using delivery platforms (such as Deliveroo, UberEats, and Just Eat), picked up and delivered to consumers by said delivery companies, to be consumed off the premises.

2. Foodstars use CCTV inside and outside the premises and the surveillance footage is monitored on a daily basis to prevent criminal activity as well as anti-social behavior. In the case of an incident, Foodstars will liaise and cooperate with the relevant local authorities such as the Police.

3. Signage will be utilized outdoors and inside the premises to inform our members and the delivery drivers who come to pick up orders that CCTV operates in the area and all incidents will be reported to the police. Further, signage will also be used to reiterate to our members that no unaccompanied children are allowed in the premises.

4. Foodstars does not and will not hire any personnel under the age of 18, therefore no underage persons will be involved in the handling of alcohol.

5. Each Foodstars member who is renting out a kitchen in the premises will be required to sign a contract which will include terms determined by the premise licence conditions outlined by Birmingham City Council, should they want to sell alcohol to be consumed off the premises. Foodstars will have a zero tolerance policy towards breaches of the terms and conditions regarding alcohol sales, and will terminate the contract of any members in violation immediately.

6. Each member who wants to carry out the sale of alcohol will be provided with a BIIAB approved handbook outlining best practices to refer to at any time

7. Each member will be advised to obtain a personal licence

8. The Designated Premise Supervisor will carry out regular checks to ensure that alcohol is being stored safely in storage areas that are located in the kitchens which have coded locks.

Continued from previous page...

9. The members (i.e. restaurants renting out kitchens in the Foodstars premises) partner with delivery companies-- namely, Deliveroo, UberEats, and Just Eat-- who are responsible for delivering food and drink to consumers who place orders online on said companies' platforms. Deliveroo, UberEats, and Just eat operate on a strict age verification policy, and do not deliver alcohol to any persons under the age of 18 or any intoxicated persons. Their policies are clearly outlined in their Terms and Conditions. Further information can be found in their Terms and Conditions in the links provided below:

Deliveroo- Section 8
(<https://deliveroo.co.uk/legal>)

UberEats- Section 2.e
(https://www.uber-assets.com/image/upload/v1565119740/legal/doc/New_Uber_Eats_UK_Services_Agreement_17_April_2019_2.pdf?uclid_id=0e452100-24e6-40b4-a52e-bfe4f41e4ff7)

Just Eat- Section 3.3
(<https://www.just-eat.co.uk/info/terms-and-conditions>)

10. When the DPS is not physically present in the premises, there will be a logged Facility Lead (i.e. duty manager) so it is clear who is in charge of the premises. The use of CCTV will also give Foodstars visibility of the premises at any particular time.

b) The prevention of crime and disorder

- Provision of CCTV in and outside the premises. There are 34 CCTV cameras installed and the footage is reviewed on a daily basis
- Signage will be used to inform the local community, members, and delivery drivers that CCTV operates in the area
- The doors used to enter the facility are access controlled. Every kitchen inside the building then has a door with a different coded lock. These codes are changed anytime there is a change in the team, and the master code is changed on a monthly basis.

c) Public safety

- Fire safety and evacuation measures are in place to ensure the safety of our members, staff, delivery drivers, and local community
- First aid facilities are provided in the premises
- CCTV operates inside and outside the premises
- The premises is not and will not be open to the public
- Zero tolerance policy towards any behavior that jeopardises the safety of the facility and its staff implemented through a strictly enforced fine programme.

d) The prevention of public nuisance

- The premise is located in an industrial location and as the supply of alcohol and food is only to be consumed off the premises, disruption to the local community will be minimal during the hours of operation
- A waste management system is in place to facilitate the collection of litter generated by members in our kitchens, and maintain the upkeep of the area.
- CCTV is also used to monitor the front yard which is utilized by delivery drivers who arrive to pick up orders

e) The protection of children from harm

- Members will only partner with delivery companies (such as Deliveroo, UberEats and Just Eat) that have strict age verification policies and will not deliver alcohol to any persons who cannot verify that they are 18 years of age or above.
- Foodstars does not hire any persons under the age of 18 and therefore no underage persons will be handling alcohol

Continued from previous page...

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

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

Home Office online right to work checking service

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

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

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

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

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

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

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

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

315.00

DECLARATION

Continued from previous page...

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

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

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

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

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

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

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/birmingham/apply-1> to upload this file and continue with your application.

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

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED



DESIGN

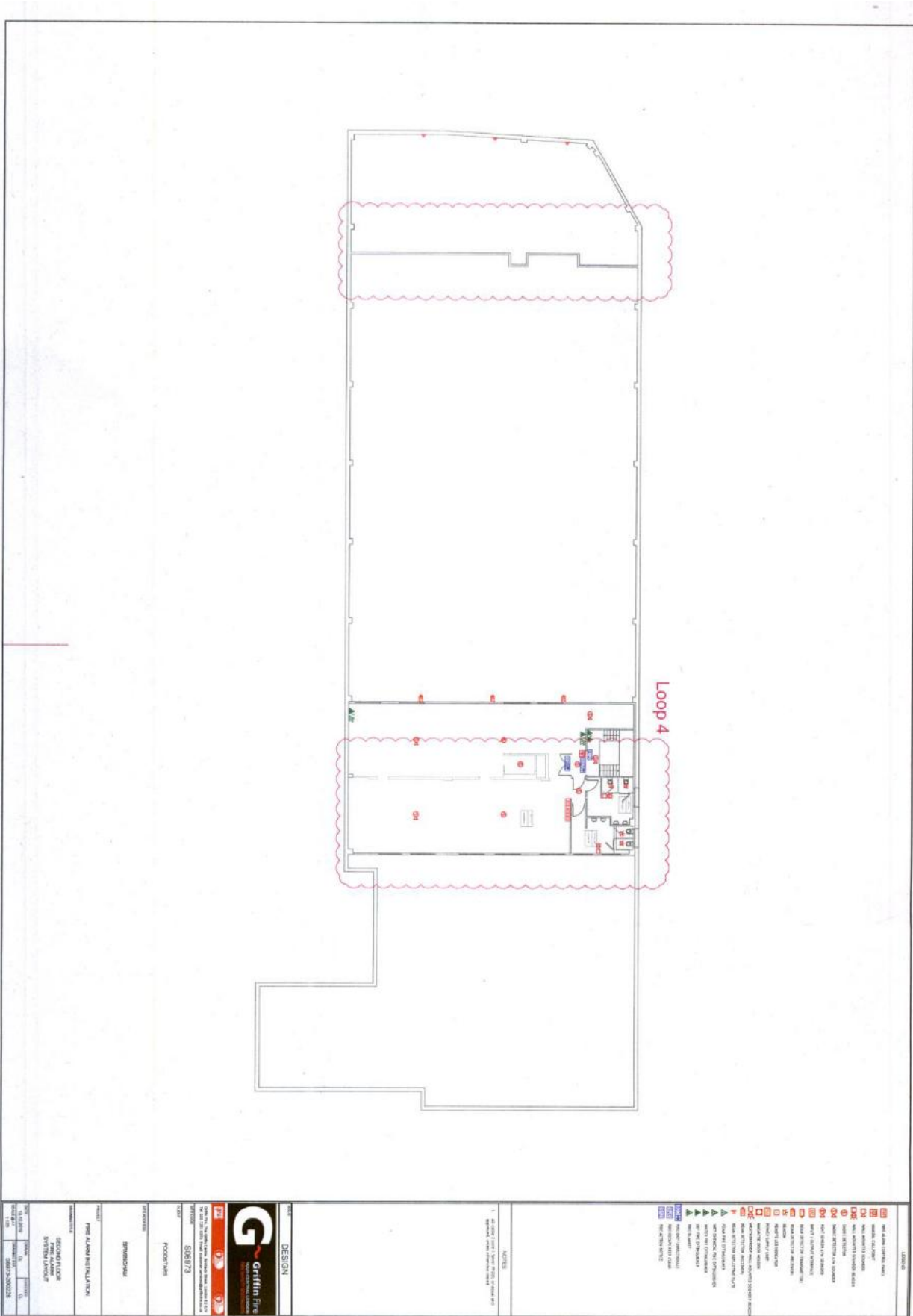


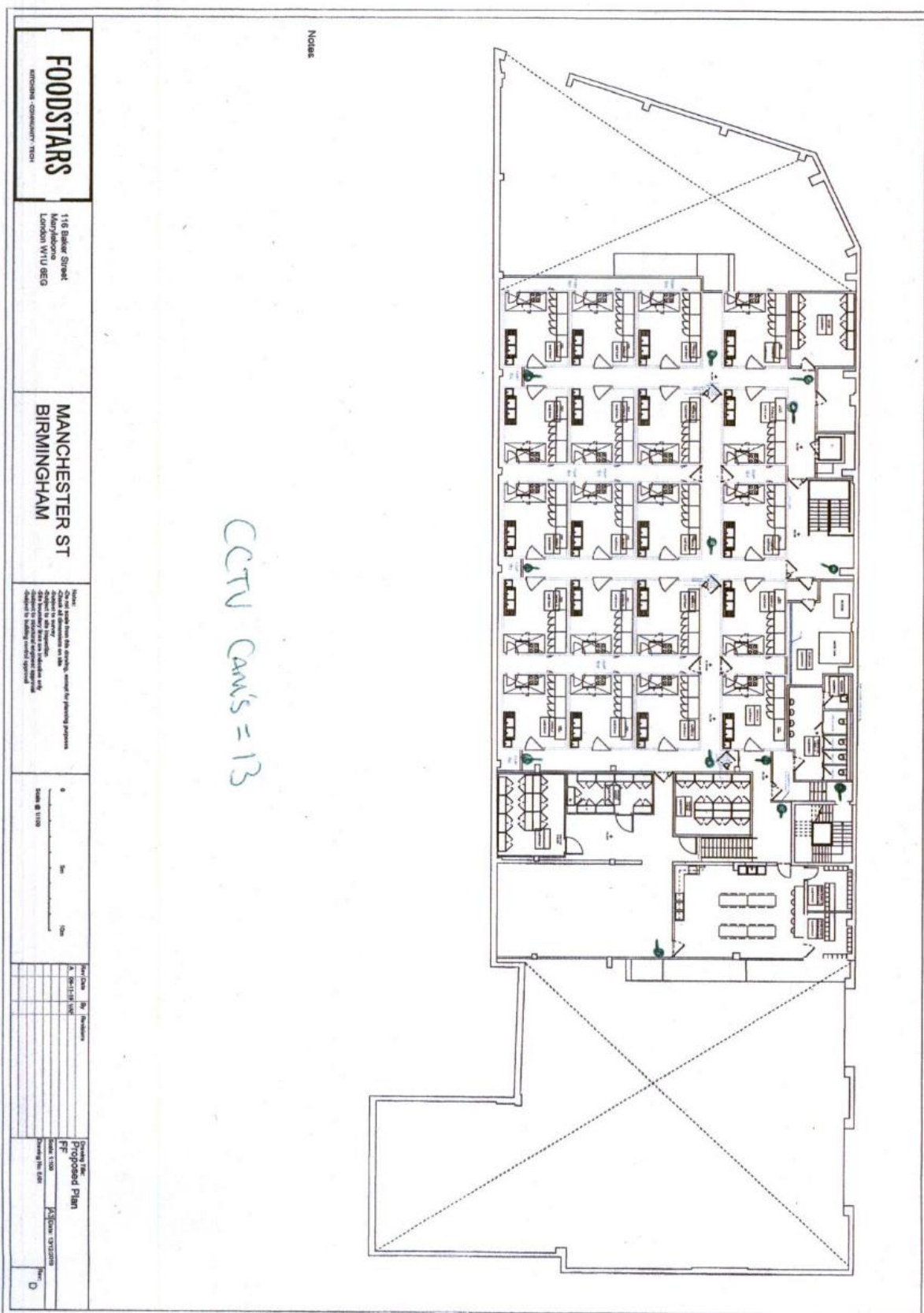
FOODS/TAPS

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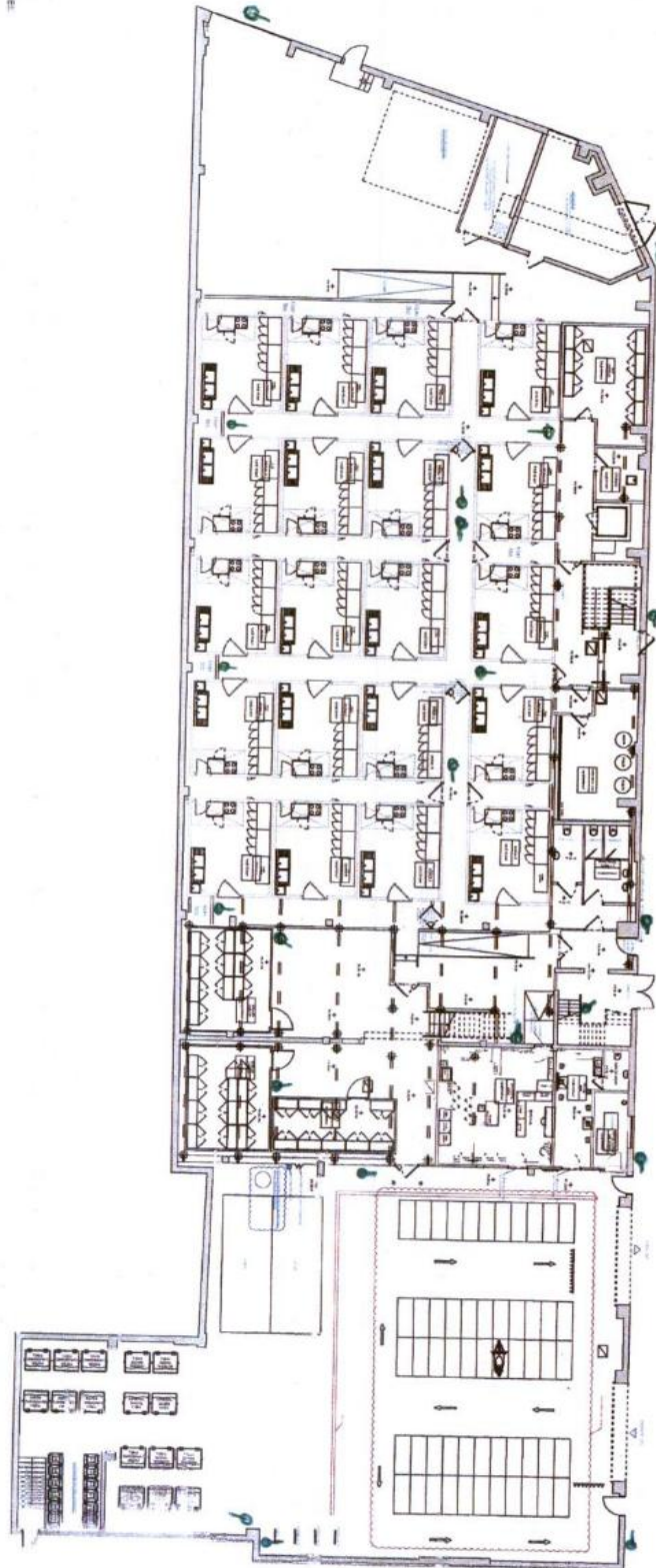
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1.1 NOISE



CCTV Cam's = X21

FOODSTARS
KITCHENS COMMUNITY REST

116 Baker Street
Manchester
M1 1JG

**MANCHESTER ST
BIRMINGHAM**

This plan is drawn from the drawings, amended by previous proposals, and is subject to change. It is not to be used for construction purposes without the written approval of the architect. It is to be used for reference only.



Room No.	Room Name	Area (sqm)	Volume (cu m)	Notes
1	Reception	10.0	10.0	
2	Waiting Area	20.0	20.0	
3	Office	15.0	15.0	
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From: Christina McCullough
Sent: 16 July 2020 23:00
To: Licensing; Karen Knight
Cc: Sen Gazioglu
Subject: FW: Foodstars - Agreed conditions

Dear Licensing,

Please find attached conditions that have been agreed with the applicant Foodstars BH Limited.

Where there is a condition detailed in the first column it is to be replaced with the wording in the second column.

Where there is no condition detailed in the first column it is to be taken that the details in the second column are to be treated as a NEW condition.

Condition put forward in application if applicable.	Proposed revised/new condition
	CCTV recordings will be kept for 31 days.
	All refusals will be noted in a refusal register, which will be maintained at the premises and must be available for inspection by any of the responsible authorities. The register must be signed by the DPS monthly.
Each Foodstars member who is renting out a kitchen in the premises will be required to sign a contract which will include terms determined by the premise licence conditions outlined by Birmingham City Council, should they want to sell alcohol to be consumed off the premises. Foodstars will have a zero tolerance policy towards breaches of the terms and conditions regarding alcohol sales, and will terminate the contract of any members in violation immediately.	<p>The Premises Licence Holder shall ensure that those engaged with the sale of alcohol, including all persons renting space in the premises, shall be provided with training on the licensing objectives and the conditions attached to this premises licence.</p> <p>No business will be allowed to supply alcohol until such training has been given.</p> <p>Refresher training will be given every 6 months.</p> <p>A log of the training shall be maintained and available for inspection by an authorised Officer of a Responsible Authority on request.</p>
	The Premises Licence Holder will maintain an incident register which will be kept at the premises and be made available to any authorised Officer of a Responsible Authority on request.
When the DPS is not physically present in the premises, there will be a logged Facility Lead (i.e. duty manager) so it is clear who is in charge of the premises. The use of CCTV will also give Foodstars visibility of the premises at any particular time.	When the DPS is not on the premises there will be a signed record of the duty manager at all times.
	At least one personal licence holder on the premises at all times licensable activity is taking place.
Alcohol and food sold will only be consumed off the premises. Alcohol will be sold in the form of	The Premises will not be open to the public.

<p>takeaway, to be ordered by consumers online using delivery platforms (such as Deliveroo, UberEats, and Just Eat), picked up and delivered to consumers by said delivery companies, to be consumed off the premises.</p>	<p>No member of the public shall be allowed on the Premises for the purposes of selecting or purchasing alcohol.</p> <p>Alcohol will only be served to customers who have ordered food to be delivered.</p> <p>No alcohol purchased shall not be collected from the Premises other than by couriers or employees authorised by the Premises Licence holder.</p> <p>The premises will only use a courier service with a written agreement which includes an enhanced delivery service that incorporates a challenge 25 policy and records proof of age checks. Passport or driving licence will be the only forms of ID accepted by the courier & refusals of sales will also be recorded and available for inspection on request of an authorised officer.</p> <p>A copy of the written age verification policy for each courier is to be available at the premises.</p>
	<p>An inspection will be conducted by Licensing Enforcement before the use of the website is commenced to check that we can be satisfied that the relevant declarations are in place for the customer to confirm that they are 18 years or above and also that they are advised at the point of ordering that a challenge 25 policy is in place and ID will be required to be produced upon delivery.</p>

If you require any further information please do not hesitate to contact me.

Regards

Christina McCullough
Licensing Enforcement Officer

Our DBS checking system is now operating:

https://www.birmingham.gov.uk/info/20107/taxi_and_private_hire/1784/apply_online_for_a_dbs_check_taxi_and_private_hire_drivers

Licensing Section | Regulation & Enforcement | Neighbourhoods Directorate

Address: Birmingham City Council, Licensing Section, Valepits Road, Garretts Green, Birmingham B33 0TD

From: Sen Gazioglu
Sent: 16 July 2020 22:50
To: Christina McCullough
Subject: Re: Foodstars

Hi Christina,

Thank you for explaining- yes your point makes sense. I agree with all of the conditions you've proposed which, to confirm, are the following:

1. CCTV recordings will be kept for 31 days.
2. All refusals will be noted in a refusal register, which will be maintained at the premises and must be available for inspection by any of the responsible authorities. The register must be signed by the DPS monthly.
3. The Premises Licence Holder shall ensure that those engaged with the sale of alcohol, including all persons renting space in the premises, shall be provided with training on the licensing objectives and the conditions attached to this premises licence.
4. No business will be allowed to supply alcohol until such training has been given.
5. Refresher training will be given every 6 months.
6. A log of the training shall be maintained and available for inspection by an authorised Officer of a Responsible Authority on request.
7. The Premises Licence Holder will maintain an incident register which will be kept at the premises and be made available to any authorised Officer of a Responsible Authority on request.
8. When the DPS is not on the premises there will be a signed record of the duty manager at all times.
9. At least one personal licence holder on the premises at all times licensable activity is taking place.
10. The Premises will not be open to the public.
11. No member of the public shall be allowed on the Premises for the purposes of selecting or purchasing alcohol.
12. Alcohol will only be served to customers who have ordered food to be delivered.
13. No alcohol purchased shall not be collected from the Premises other than by couriers or employees authorised by the Premises Licence holder.
14. The premises will only use a courier service with a written agreement which includes an enhanced delivery service that incorporates a challenge 25 policy and records proof of age checks. Passport or driving licence will be the only forms of ID accepted by the courier & refusals of sales will also be recorded and available for inspection on request of an authorised officer.
15. A copy of the written age verification policy for each courier is to be available at the premises.
16. An inspection will be conducted by Licensing Enforcement before the use of the website is commenced to check that we can be satisfied that the relevant declarations are in place for the customer to confirm that they are 18 years or above and also that they are advised at the point of ordering that a challenge 25 policy is in place and ID will be required to be produced upon delivery.

Also to update you, I have responded to the West Midlands Police and explained that I agree with all the conditions they've proposed as well except the 24-hour pre-order condition. Customers rarely plan their meals 24 hours in advance, and this will not create value for our restaurants or customers. Of course public safety is an utmost priority and we are willing to work very closely with the Police to ensure no breaches take place. I have not received a response yet, but if you have any advice or input on this matter please do let me know.

Thank you again for getting back to me even though it's super late!

Kindest Regards,
Sen

