

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Tuesday 18th January 2022
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Melt, 126 Billesley Lane, Moseley, Birmingham, B13 9RD
Ward affected:	Moseley
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:
<p>To consider representations that have been made in respect of an application for a Premises Licence which initially sought to permit the Sale of Alcohol (for consumption both on and off the premises) to operate from 09:00am until 11:30pm (Monday to Sunday).</p> <p>The applicant has agreed to amend the scope of the application, with the Sale of Alcohol to cease at 10:30pm (Monday to Sunday).</p> <p>Premises to remain open to the public from 09:00am until 11:00pm (Monday to Sunday).</p>

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

3. Brief Summary of Report:
<p>An application for a Premises Licence was received on 25th November 2021 in respect of Melt, 126 Billesley Lane, Moseley, Birmingham, B13 9RD.</p> <p>Representations have been received from Planning as a responsible authority, and from other persons.</p>

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

5. Relevant background/chronology of key events:

Moseley Food and Drink Ltd applied on 25th November 2021 for the grant of a Premises Licence for Melt, 126 Billesley Lane, Moseley, Birmingham, B13 9RD.

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

Representations have been received from other persons, including a representation in support of the application which is attached at Appendix 24. See Appendices 2 – 24.

The application, including supporting documents, is attached at Appendix 25.

Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 26.

Site Location Plans at Appendix 27.

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 - 24
Application Form, Appendix 25
Conditions agreed with West Midlands Police, Appendix 26
Site Location Plans, Appendix 27

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: Richard Bergmann
Sent: 09 December 2021 12:01
To: Licensing Online
Subject: RE: GRANT-MELT, 126 BILLESLEY LANE, MOSELEY, B13 9RD

Good morning,

BCC Planning Department formally objects to the proposed variation in hours for Number 126 Billesley Lane, Moseley. In accordance with the requirements and provisions of the Licensing Act 2003 the objection would be on grounds of '3. The prevention of public nuisance.'

The character of the area is almost entirely residential. To protect the residential amenity of neighbouring properties from unacceptable noise ,disturbance and general nuisance the Local Planning Authority has restricted the opening hours of Number 126 Billesley Lane, Moseley preventing late evening / night-time use. The lawful opening hours of number 126 Billesley Lane is currently regulated in planning terms by the imposition of a 2014 planning condition attached to planning permission 2014/03677/PA. This condition limits the hours of use to the following:

"Limits the hours of use: 0800-2000 hours Mondays to Saturdays, and 0800-1900 hours Sundays and Bank Holidays."

I appreciate that it is a separate regime and set of regulations; however, separate planning permission would also be required to vary these hours of opening at No. 126 Billesley Lane. Without wishing to prejudice or pre-empt any possible future planning application to vary the hours of use; I can confirm that my informal professional planning judgement is that the Local Planning Authority would refuse a planning application seeking to relax the lawful hours of use to that proposed by the applicant in your Licensing application on grounds of unacceptable harm to residential amenity by means of noise, disturbance and public nuisance.

Please consider this representation as a formal objection afforded due weight and consideration in your decision-making process. Thank you.

Kind regards,

Richard

Please note that the Planning and Development office is currently closed and colleagues are working from home to maintain service delivery wherever possible. If you need to contact officers please do so by email. Thank you for your patience at this time.

Richard Bergmann MRTPI
Senior Planning Officer
Birmingham City Council

Please note that any views expressed in this email and/or attachments constitute an informal officer opinion only and are given without prejudice to the determination of any planning application or to the views of the Planning Committee.

From:
Sent: 16 December 2021 09:52
To: Licensing
Cc:
Subject: Melt, 126 Billesley Lane, B13 9RD Moseley Society objection

Please find attached the Moseley Society objection to Application 123447 for Melt, 126 Billesley Lane, Moseley, B13 9RD.

The Moseley Society

Birmingham City Council Licensing Section
PO Box 17013
Birmingham
B6 9ES
licensing@birmingham.gov.uk

16 December 2021

**Melt, 126 Billesley Lane, Moseley, B13 9RD.
Application 123447.**

We wish to object to this application that we think will create a public nuisance and risk harm to children. This premises is in a residential area and is therefore not suitable for the sale and consumption of alcohol and late-night refreshment.

The premises has a long and complicated planning history. In the mid 20th century this part of Billesley Lane contained a few local shops – a newsagent and a greengrocer on opposite corners of the junction with Blenheim Road, a butcher on the corner with Westlands Road and an off-licence on the corner with Southlands Road. Of these, only the newsagent, now One-Stop, remains. The greengrocer and butcher's shop were both doubled in size and turned into residential properties.

Unfortunately the building that included the off-licence, which closed around 12 years ago, was doubled in size, but instead of becoming one residential property, two retail shops were created on the ground floor with 2 or 3 residential flats above. It is only the relaxation of Planning Use Classes that has allowed hot food businesses to be opened on a temporary basis in the ground floor shops. Because they have never been let as retail shops and have been empty and 'to let' ever since they were built, recent changes to the planning system have allowed the temporary change of use.

We wish to oppose this application for a restaurant licence because the premises is surrounded by residential properties – with people living above as well as behind and around the premises. There are bedrooms at the front of the property above the commercial uses. The business at 124 Billesley Lane has temporary permission to trade until March 2022 because of the changes to planning regulations in response to the pandemic. Because of the pandemic, businesses are encouraged to serve food and drink outside. That might be acceptable in a commercial centre, but this is a residential area with many families and young children living close by. 126 Billesley Lane is unsuitable for use as a restaurant. In addition to the public nuisance of noise and disturbance and the potential harm to children, there is no parking available for restaurant staff or patrons and we consider that to be a matter of public safety.

The applicant for this Licence has submitted a planning application (2021/10137/PA) to vary the opening hours and allow the business to trade from 08.00 – 23.00 Mondays to Sundays. Even if this planning application were to be granted, it would still not permit the premises to be open for the hours sought in the Licensing application which is for alcohol sales on and off the premises and late-night refreshment until 23.30, with the premises operating until 00.00.

There have been previous attempts to have the hours of the planning permission extended. The hours that the premises has planning permission to operate are consistent with a retail shop: until 20.00 Monday – Saturday, 19.00 on Sunday. In April 2019 the Planning Inspectorate dismissed an appeal to have the hours increased. The Inspector stated that:

"Given these flats immediately above and the residential uses surrounding, a potential intensification of retail activity into the later evening hours, whether it would be until 2100 or 2200, and particularly when taken together with the adjacent retail unit, would be likely to lead to increased noise and disturbance for the residential neighbours By around 20.00 background noise levels have generally reduced and local residents would expect a reasonable degree of quiet. To extend the hours of opening as proposed would cause unacceptable harm to the living conditions of neighbouring residents and occupants of the flats above, due to noise and disturbance."

We think that a Hearing will be necessary, and we hope that the Licensing Committee will agree that the proposed licence would *"cause unacceptable harm to the living conditions of neighbouring residents and occupants of the flats above, due to noise and disturbance."* We hope that this application will be refused.

Yours sincerely,

The Moseley Society
Cc Cllr Martin Straker-Welds
Cllr Kerry Jenkins
Moseley Society Planning Group
, Moseley Regeneration Group

From:
Sent: 01 December 2021 20:10
To: Licensing

Subject: Objection to the following licensing application: 123447 - 126 Billesley Lane Moseley Birmingham B13 9RD

Dear Sir or Madam,

Please can my attached objection to 123447 - 126 Billesley Lane Moseley Birmingham B13 9RD be considered by the Licensing Committee?

regards

Southlands Road,
Moseley,
Birmingham B13

1st December 2021

To: Licensing

Objection to the following licensing application:

123447 - 126 Billesley Lane Moseley Birmingham B13 9RD

I wish to further object to the above licensing application for the following reasons:

The application for to allow the selling of alcohol in a restaurant at 126 Billesley Lane for the following times:

Monday - Sunday 09:00 23:30
Monday - Sunday 09:00 23:30

The application would allow customers to consume alcohol on the premises for the following times:

Monday - Sunday 09:00 00:00
Monday - Sunday 09:00 00:00

This would mean customers leaving the restaurant at midnight, 7 days a week

I need to bring to the Licensing Committees attention that 126 Billesley Lane currently only has planning permission to be a retail unit for the following hours of operation:

- 0800-2000 hours Mondays to Saturdays, and 0800-1900 hours Sundays and Bank Holidays

This was approved in planning application 2014/03677/PA and further supported in planning appeal decision APP/P4605/W/15/3129988

Therefore the consumption of alcohol at the premises should be limited to the hours approved by planning application 2014/03677/PA. Namely 0800-2000 hours Mondays to Saturdays, and 0800-1900 hours Sundays and Bank Holidays. This would mean that all customers need to be off the premises by 2000 hours Mondays to Saturday; 1900 hours Sundays and Bank Holidays.

Any extension of the hours beyond those approved in planning application 2014/03677/PA will have the following negative impacts:

The creation of a public nuisance.

126 Billesley Lane is located in a residential area, with residential houses closely surrounding it and residential flats immediately above it.

The noise of customers – many intoxicated – leaving the premises at midnight, Monday to Saturday will generate a lot of noise. This noise will be of:

- customers chatting outside the premises

- noise of customers getting into their cars in the surrounding roads. The customers will have to park in the surrounding residential roads due to the limited on-street parking and the noise will include: switching off their car alarms; banging the doors shut; turning on the car radio with the windows down; chatting to friends next to the car. Having all this happening in the surrounding roads where customers have parked their cars, between midnight and 1am, Monday to Saturdays will be a huge nuisance.

Further, the noise of the restaurant closing up after midnight will also generate a lot of noise itself. This will include:

- the noise of the roller shutters closing;
- the clanking of bottles into the bottle bin;
- the sound of staff leaving the premises

All this noise happening within less than 5 metres of bedroom windows immediately above the restaurant.

I live four doors from this premises and I am regularly woken up during the Summer months, when my bedroom window is open, by groups of drunken people chatting around these premises in the early hours of the night. The proposed hours of operation will mean this occasional nuisance will be happening seven days a week and waking me up.

Disturbance of sleeping children

As outlined above, the closing of this restaurant at midnight, Monday to Saturday will generate a lot of noise. The restaurant is surrounded by properties that currently have young families or have a steady turnover of young families – the flats above the proposed restaurant attracts a turnover of families with young children.

This noise will wake up those children, especially during the Summer months, and keep them awake for a considerable time.

I am willing to attending any hearing at Licensing Committee.

Yours sincerely,

From:
Sent: 06 December 2021 10:25
To: Licensing
Subject: License application 123447

I am writing in response to the above application, I wish to object to this application, this is a quiet residential area with houses in very close proximity and mine is one of them. The noise of cars coming and going will not doubt cause a problem, there is limited parking already and where will these cars park ? It is already dangerous to turn onto billesley lane as cars park on the bend obstructing the view of any oncoming traffic. I think to grant a late license under these circumstances would be at the cost of myself and my neighbours who have lived here for over 30 years.

From:

Sent: 15 December 2021 19:01

To: Licensing

Subject: Licensing Application 123447: 126 Billesley Lane.

We wish to object most strongly to the proposed licensing hours at the above property.

We believe that this is contrary to the hours approved by the planning committee when the premises were given permission to act as a business, without a designated usage. The hours are totally unreasonable to a residential area such as ours, and will cause unacceptable public nuisance, noise and disturbance to a relatively quiet area.

There is no reason for the opening hours of 0900 for a restaurant in this area. We must question the proposed unstated delivery times and also stress there are no parking areas within the boundaries of the business. There are no plans for the removal or storage of rubbish, the frontage of the shop has no capacity for such an operation, which means that the residents of Southlands Road can expect to witness extra rubbish on the pavement adjoining the premises. An opening hour until 1200 hours (midnight) is totally irresponsible and can only be refused on practical terms. This will subject residents to unacceptable noise at 0100 hours and maybe later when customers leave, with cars and loud conversations being held. We are already disturbed, on occasions, by groups of people chatting loudly at late hours, drunken people will be even more disturbing and make it harder to sleep.

Taking all the above into account we request that the proposal be rejected.

I am willing to attend any hearing at Licensing Committee.

Yours sincerely

**Billesley Lane
Moseley
Birmingham B13**

From:
Sent: 16 December 2021 12:32
To: Licensing
Subject: Objection to licensing application 123447

Please see objection letter attached

Southlands Road,
Moseley,
Birmingham B13 9RL

16th December 2021 To: Licensing

Objection to the following licensing application:

123447 - 126 Billesley Lane Moseley Birmingham B13 9RD

I wish to object to the above licensing application for the following reasons:

The application for to allow the selling of alcohol in a restaurant at 126 Billesley Lane for the following times:

Monday - Sunday	09:00 23:30
Monday - Sunday	09:00 23:30

The application would allow customers to consume alcohol on the premises for the following times:

Monday - Sunday	09:00 00:00
Monday - Sunday	09:00 00:00

This would mean customers leaving the restaurant at midnight, 7 days a week

I am aware that 126 Billesley Lane currently only has planning permission to be a retail unit for the following hours of operation:

☐ 0800-2000 hours Mondays to Saturdays, and 0800-1900 hours Sundays and Bank Holidays

This was approved in planning application 2014/03677/PA and further supported in planning appeal decision APP/P4605/W/15/3129988

Therefore, the consumption of alcohol at the premises should be limited to the hours approved by planning application 2014/03677/PA. Namely 0800-2000 hours Mondays to Saturdays, and 0800-1900 hours Sundays and Bank Holidays. This would mean that all customers need to be off the premises by 2000 hours Mondays to Saturday; 1900 hours Sundays and Bank Holidays.

Any extension of the hours beyond those approved in planning application 2014/03677/PA will have the following negative impacts:

The creation of a public nuisance.

126 Billesley Lane is located in a residential area, with residential houses closely surrounding it and residential flats immediately above it.

The noise of customers – many intoxicated – leaving the premises at midnight, Monday to Saturday will generate a lot of noise. This noise will be of:

- customers chatting outside the premises
- Taxi's sitting outside with engines running

- And noise of customers getting into their own cars in the surrounding roads. The customers will have to park in the surrounding residential roads due to the limited on-street parking and the noise will include: switching off their car alarms; banging the doors shut; turning on the car radio with the windows down; chatting to friends next to the car. Having all this happening in the surrounding roads where customers have parked their cars, between midnight and 1am, Monday to Saturdays will be a huge nuisance.

Further, the noise of the restaurant closing up after midnight will also generate a lot of noise itself. This will include:

- the noise of the roller shutters closing;
- the clanking of bottles into the bottle bin;
- the sound of staff leaving the premises

All this noise happening within less than 5 metres of bedroom windows immediately above the restaurant.

I live 4 doors from this premises and currently experience nuisance from the existing burger restaurant that has delivery boys chatting outside, cars parked with customers coming and going and blocking the end of the road, and on a bend, so that it is difficult to exit the road when the restaurant is open. We hear the current noise as we sleep in the front bedroom with a window open for ventilation. This disturbance will only increase with another restaurant and be even worse if customers are drinking alcohol until midnight. This is a residential area with families with young children as well as older residents with health conditions and people like myself that need to get up early for work the next day. We do not welcome these businesses encroaching on our lives to this extent, please do not grant them this extended licence,

Thank you

I am willing to attending any hearing at Licensing Committee.

Yours sincerely,

From:
Sent: 16 December 2021 12:33
To: Licensing
Subject: 123447

Southlands Road,
Birmingham
B13
16th December 2021

Objection to the following licensing application:

123447 - 126 Billesley Lane Moseley Birmingham B13 9RD

I wish to object to the above licensing application for the following reasons:

The application for to allow the selling of alcohol in a restaurant at 126 Billesley Lane for the following times:

Monday - Sunday 09:00 23:30

Monday - Sunday 09:00 23:30

The application would allow customers to consume alcohol on the premises for the following times:

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Monday - Sunday 09:00 00:00

This would mean customers leaving the restaurant at midnight, 7 days a week

I need to bring to the Licensing Committees attention that 126 Billesley Lane currently only has planning permission to be a retail unit for the following hours of operation:

0800-2000 hours Mondays to Saturdays, and 0800-1900 hours Sundays and Bank Holidays

This was approved in planning application 2014/03677/PA and further supported in planning appeal decision APP/P4605/W/15/3129988

Therefore the consumption of alcohol at the premises should be limited to the hours approved by planning application 2014/03677/PA. Namely 0800-2000 hours Mondays to Saturdays, and 0800- 1900 hours Sundays and Bank Holidays. This would mean that all customers need to be off the premises by 2000 hours Mondays to Saturday; 1900 hours Sundays and Bank Holidays.

Any extension of the hours beyond those approved in planning application 2014/03677/PA will have the following negative impacts:

The creation of a public nuisance.

126 Billesley Lane is located in a residential area, with residential houses closely surrounding it and residential flats immediately above it.

The noise of customers – many intoxicated – leaving the premises at midnight, Monday to Saturday will generate a lot of noise. This noise will be of:

- customers chatting outside the premises
- noise of customers getting into their cars in the surrounding roads. The customers will have to park in the surrounding residential roads due to the limited on-street parking and the noise will include: switching off their car alarms; banging the doors shut; turning on the car radio with the windows down; chatting to friends next to the car. Having all this happening in the surrounding roads where customers have parked their cars, between midnight and 1am, Monday to Saturdays will be a huge nuisance.

Further, the noise of the restaurant closing up after midnight will also generate a lot of noise itself. This will include:

- the noise of the roller shutters closing;

- the clanking of bottles into the bottle bin;
- the sound of staff leaving the premises

All this noise happening within less than 5 metres of bedroom windows immediately above the restaurant.

I live at No but I know my neighbours who live a few doors from the new chicken premises are regularly woken up during by groups of people chatting around these premises in the early hours of the night.

The proposed hours of operation will mean this occasional nuisance will be happening seven days a week and doubled by a second restaurant.

As outlined above, the closing of this restaurant at midnight, Monday to Saturday will generate a lot of noise. The restaurant is surrounded by properties that currently have young families or have a steady turnover of young families, including the premises above 124 and 126.

This noise will inevitably disturb these children .I also think that having the potential of intoxicated individuals dining in numbers very close by is unethical .This is a residential area.A family friendly area .It is not a high street.

Traffic issues.

There are are very already worrying issues re cars parked on the corners of Southlands Road which make it dangerous to exit into Billesley Lane.

Above the two shop premises are two flats.One has people living there with at least six cars which are already a nuisance in the road.A late opening restaurant with people parking is going to add to this problem.

From:
Sent: 16 December 2021 12:05
To: Licensing
Subject: Objection to application ref 123447

To whom it may concern,

Please accept this email as an objection to the application and subsequent application of extending licencing hours for a licenced premises on Bilseley Lane/Southlands Road. i am very concerned, along with the traffic calming measures this aera is also waiting to receive, the additional noise, traffic and mess will be detrimental to the residents within its immediate hinterland.

Kind regards,

From:
Sent: 16 December 2021 12:47
To: Licensing
Subject: OBJECTION. Licensing application number: 123447

Dear Licensing officers,
This is in reference to

126 Billesley Lane Moseley Birmingham B13 9RD

Licensing application number: 123447

I strongly oppose this application on the grounds of increased pollution, noise, smells, rowdiness, traffic and litter.

I have two children who are finding it increasingly dangerous to cross Billesley Lane because of traffic issues and the rising numbers of parked cars around these shops. A late-night business serving alcohol will cause far more problems for residents. This is a quiet residential area with most homes containing young children. None of us agreed to this when we moved here as this building was previously always used as a shop. These applications have become attritional with constant changes and alterations being requested in an apparent attempt to wear down residents' resistance. I am also suspicious about why two applications have been submitted at the same time, in an apparent attempt to confuse residents between the licensing and planning applications. We already constantly have parked cars blocking views along Billesley Lane when we pull out of Southlands Road and this new application will make the issue far worse. The late-night alcohol application will also create noisy deliveries and problems with rubbish disposal. Kings Heath High Street and Moseley village are very close and offer numerous drinking establishments, many of which are struggling because of COVID-19. It makes far more sense to have nightlife confined to designated high streets. Please do not allow another business to lower the quality of life for young families in what should be a quiet neighbourhood. Our Albanian neighbours also have two small children but will not be able to oppose because their written English is too weak.

Yours sincerely,

Southlands Road, Moseley, Birmingham, B13

From:

Sent: 16 December 2021 13:57

To: Licensing

Subject: Licencing Application Billesley Lane Licensing application number: 123447

Licensing application number: 123447

Objection to planning application 2021/10137/PA| 126 Billesley Lane, Moseley, Birmingham, B13 9RD

I am in strong opposition of the application to allow a late night business serving alcohol and food to open between 08:00 and 23:00 Monday to Sunday on the corner of Southlands Rd where we live. A late night outlet for food and alcohol will not be a welcome addition to our road or area. This kind of business would be entirely inappropriate and would inevitably cause catastrophic issues with dangerous parking, noise, congestion and litter in an otherwise harmonious and desirable residential area, being amongst the more obvious issues.

This has been a peaceful to the point of idyllic, family and community centred residential area for the 8 years we have lived here. As one of many families with young children we benefit from a community of conscientious neighbours, the quiet and safe non-through roads which are significantly used by residents and careful Driving Instructors and a peaceful, natural environment due to the proximity of the golf course and allotments.

We are lucky to hear owls and have a rich variety of visiting birds and wildlife as well as calm roads for our children and the neighbourhood pets. This harmony has already been impacted by the opening of the burger bar in the site next to the one in question. The main issues have been a significant increase in rubbish and street debris as well as far more dangerous parking and driving, endangering our children, pets and the peaceful environment of this formerly quiet neighbourhood. A further addition with late night licence would likely be potentially catastrophic.

Thank you for your careful consideration of these factors,

Southlands Rd
B13

From:

Sent: 16 December 2021 14:41

To: Licensing

Subject: Objection to planning application 123447 - 126 Billesley Lane Moseley Birmingham B13 9RD

Southlands Road,
Birmingham
B13

16th December 2021

Objection to the following licensing application: 123447 – 126 Billesley Lane Moseley Birmingham B13 9RD

I wish to object to the above licensing application for the following reasons:

The application to allow the selling of alcohol in a restaurant at 126 Billesley Lane for the following times:

- Monday - Sunday 09:00 23:30
- Monday - Sunday 09:00 23:30

The application would allow customers to consume alcohol on the premises for the following times:

- Monday - Sunday 09:00 00:00
- Monday - Sunday 09:00 00:00

This would mean customers leaving the restaurant at midnight, 7 days a week

I need to bring to the Licensing Committee's attention that 126 Billesley Lane currently only has planning permission to be a retail unit for the following hours of operation: 08:00-20:00 Mondays to Saturdays, and 08:00-19:00 Sundays and Bank Holidays

This was approved in planning application 2014/03677/PA and further supported in planning appeal decision APP/P4605/W/15/3129988

Therefore the consumption of alcohol at the premises should be limited to the hours approved by planning application 2014/03677/PA. Namely 08:00-20:00 Mondays to Saturdays, and 08:00-19:00 Sundays and Bank Holidays.

This would mean that all customers need to be off the premises by 20:00 hours Mondays to Saturday; 19:00 Sundays and Bank Holidays.

Any extension of the hours beyond those approved in planning application 2014/03677/PA will have the following negative impacts:

The creation of a public nuisance.

126 Billesley Lane is located in a residential area, with residential houses closely surrounding it and residential flats immediately above it.

The noise of customers – many intoxicated – leaving the premises at midnight, Monday to Saturday will generate a lot of noise. This noise will be of:

- customers chatting outside the premises
- noise of customers getting into their cars in the surrounding roads. The customers will have to park in the surrounding residential roads due to the limited on-street parking and the noise will include: switching off their car alarms; banging the doors shut; turning on the car radio with the windows down; chatting to friends next to the car. Having all this happening in the surrounding roads where customers have parked their cars, between midnight and 1am, Monday to Saturday will be a huge nuisance.

Further, the noise of the restaurant closing up after midnight will also generate a lot of noise itself. This will include:

- the noise of the roller shutters closing;
- the clanking of bottles into the bottle bin;
- the sound of staff leaving the premises

All this noise happening within less than 5 metres of bedroom windows immediately above the restaurant.

I live at No 124 Southlands Road but I know my neighbours who live a few doors from the new chicken premises are regularly woken up during by groups of people chatting around these premises in the early hours of the night.

The proposed hours of operation will mean this occasional nuisance will be happening seven days a week. And it will be doubled by a second restaurant.

As outlined above, the closing of this restaurant at midnight, Monday to Saturday will generate a lot of noise. The restaurant is surrounded by properties that currently have young families or have a steady turnover of young families, including the premises above 124 and 126.

This noise will inevitably disturb these children. I also think that having the potential of intoxicated individuals dining in numbers very close by is unethical. This is a residential area. A family friendly area. It is not a high street.

Traffic nuisance

There are already very worrying issues regarding cars parked on the corners of Southlands Road which block drivers' view making it dangerous to exit into Billesley Lane.

Above the two shop premises are two flats. One has people living there with at least six cars which are already a parking nuisance in the road. A late opening restaurant with people parking is going to add to this problem.

From:
Sent: 19 December 2021 13:32
To: Licensing
Subject: Re: License application number 123447

My address is:

Billesley Lane,
Moseley.
Birmingham, B13

Objection to the following application 123447, 126 Billesley Lane, B13 9RD.
With Reference for Licensing Application to sell alcohol until midnight seven days a week in a shop unit on the corner of Southlands Road and Billesley Lane.

My objection is simple and straightforward. This is a residential area and already has a premises that sells alcohol i.e. 'One Stop' is situated on the corner of Blenheim Road and Billesley Lane. The distance between the proposed restaurant is only 6 houses.

The opening hours that the owners have applied for are longer than the hours already in use by 'One Stop' e.e. in the case of the restaurant, Monday -Sunday 0900-23.30 compared to a closing time of 22.00 by 'One Stop'. More alcohol sales means more drunkenness, crime and disorder around the area, noise and chatter preventing adjacent residents to sleep would be a major problem particularly to those with children and customers leaving the restaurant at midnight 7 days a week.

A major problem would be parking. Already customers calling at the current shop have had to park on the front of drives preventing the residents from parking on their drives.

I have lived in my current house for 24 years and when I moved in it was a lovely residential area to live in . Now the price of the properties adjacent to the proposed restaurant will devalue drastically if they are to face the possibility of drunkenness, noise, car alarms, slamming of car doors and all the other problems arising from this proposal.

I rest my case.

Regards,

From:
Sent: 21 December 2021 09:58
To: Licensing
Subject: 123447 application-126 Billesley Lane

I live 5 doors away from the above premises and wish to object to the licensing application. Having lived here for over 40 years, I along with my neighbours have enjoyed the benefit of living in what is a quiet residential area and these plans will change that.

This application will allow late night noise and disturbance to the immediately surrounding homes .

No doubt anti social behaviour will also be experienced, which will be elevated by the consumption of alcohol.

Parking across residents drives will also become a problem.

Regards

From:

Sent: 21 December 2021 18:38

To: Licensing

Subject: Application number 123447

Hello

I wish to object to the above application. I live opposite 126 Billesley Lane and am very worried and distressed about their proposals.

Having intoxicated people late at night in a residential area will result in noise and disruption causing a nuisance and making me feel unsafe.

I am also concerned about the increased opportunities for crime and disorder.

I have many elderly neighbours and also some with young children and already feel worried for them. I have lived here for 20 years and feel very concerned about how this application will have a detrimental impact upon our community.

I am happy to discuss my concerns further.

Regards

From:
Sent: 22 December 2021 00:53
To: Licensing
Subject: Objection to licensing application

Dear Planning Officers ,
I wish to tender my objections to the following licensing application:

123447 126 Billesley Lane, Moseley, Birmingham B13 9RD

The application seeks to allow the consumption of alcohol at a restaurant at the above address from 9am to 11.30pm every day of the week.

Serving of alcohol up until 11.30 pm must allow drinking up time so that it is possible that drinkers will be leaving the premises at midnight.

Noise from these customers will be inevitable, people chatting, cars starting up, being only part of the perceived problem, and this in an area that has NEVER had public drinking in a consumer setting. Add to that the noise at closing time of staff clearing up, closing the premises, starting up cars or calling up transport . This is really unfair.

People in this area have families, I have school age grandchildren who visit regularly and I would be anxious for their well being given that their only exit from our road is past the proposed drinking establishment.

We have never been subject to late night noise in this area and to seek to impose it on us to favour a restaurateur investor is a gross betrayal of our right and that of our children, to sleep quietly at night.

I ask that you deny this licensing application.

Yours sincerely,

From:

Sent: 22 December 2021 08:25

To: Licensing

Subject: objection to 123447

I am objecting to licencing application 123447

I have attached my objection

Best wishes

Southlands Road
Moseley
Birmingham
B13

Licensing Application 123447
126 Billesley Lane, Moseley, Birmingham B13 9RD

I am writing to object to the above Licensing Application which seeks to allow customers to consume alcohol from 09.00-00.00 Monday-Sunday.

I and my family live a few doors away from 126 Billesley Lane and I object in the strongest possible terms to two aspects: 1. The length of time each day that alcohol can be sold; 2. The fact that the applicant wants to sell it every single day of the year.

This is a residential area not a High Street or row of established shops. There has recently been a burger bar set up next door to 126 and there is a local convenience store about a quarter mile away, other than that the area is residential until Kings Heath High Street about a mile away.

As most trade is going to be in the evening, why does the applicant need a licence from 09.00? I, and my neighbours, do not want people drinking and, potentially, spilling out onto the street or sitting on the patio area outside 09.00 from 09.00 every day of the week.

If a licence is granted until 00.00 every day of the year, the chances of loud, drunk and/or verbally abusive individuals and groups outside my house or a few yards away, increases dramatically. If alcohol is served until 00.00, that means it will still be consumed until, perhaps, 01.00, meaning any noise or disruption will wake me, my wife and our daughter up regularly.

I believe the applicant wants to set up a fondou premises but granting a licence for 09.00-00.00 every single day is night club hours, not restaurant hours as far as I am concerned.

I have also objected to the planning permission but if that is granted I see no reason whatsoever that a licence needs to be for longer than, say, 18.00-22.00.

You do not live here and I do and I do not want my right to a family life (as granted in the Human Rights Charter) blighted by, potentially, hundreds of intoxicated people per week, every week, disrupting the quiet of this residential area.

I know the applicant has said they will not allow customers to drink outside but, realistically, how are they going to police that themselves? Are the waiters and waitresses trained and willing to spend extended periods of time arguing with groups of inebriated people – and how, exactly, are those waiters and waitresses (or chefs or whoever) going to stop a group of, say, six people who refuse to stop drinking outside? Therefore, I have no confidence whatsoever that the applicant will be able to guarantee that drinking will not happen outside the premises.

Please do not grant this licencing application as it is totally unnecessary and, in a residential area, completely unwarranted that people can freely drink from 09.00-00.00 every single day of the year, giving me, my family and my neighbours no peace whatsoever on any morning, afternoon or evening from 1st January to 31st December every single year from now on.

From
Sent: 22 December 2021 11:45
To: Licensing
Subject: Objection to licensing application 123447

Dear all

Please find attached our objection to the following licensing application: **123447 - 126 Billesley Lane Moseley Birmingham B13 9RD .**

Your sincerely

Cambridge Road
Moseley,
Birmingham B13

22nd December 2021

To: Licensing

Objection to the following licensing application: **123447 - 126 Billesley Lane Moseley Birmingham B13 9RD .** The application is to allow the selling of alcohol in a restaurant at 126 Billesley Lane for the following times: Monday - Sunday 09:00 23:30. The application would allow customers to consume alcohol on the premises for the following times: Monday - Sunday 09:00 00:00. This would mean customers leaving the restaurant at midnight, 7 days a week.

I need to bring to the Licensing Committee's attention that this application contains a crucial factual error: contrary to what is stated in the application, 126 Billesley Lane currently **only has planning permission to be a retail unit for the following hours of operation: 0800-2000 hours** Mondays to Saturdays, and 0800-1900 hours Sundays and Bank Holidays. **This was approved in planning application 2014/03677/PA and further supported in planning appeal decision APP/P4605/W/15/3129988.** This would mean that all customers need to be off the premises by 2000 hours Mondays to Saturday; 1900 hours Sundays and Bank Holidays. **Therefore we feel that the Licensing Application itself should be rejected because the premises cannot be open for the times stated.**

I am objecting to the application on the following grounds:

The prevention of public nuisance.

The protection of children from harm.

Allowing this licensing application will have a hugely detrimental impact on the local community through the creation of a public nuisance.

126 Billesley Lane is located in a quiet residential area, with residential houses closely surrounding it and residential flats immediately above it. **There is simply no need for licensed premises in such a residential area:** King's Heath high street is approximately 10 minutes walk away and is amply provided with bars and pubs.

The area is part of the Birmingham City Council Emergency Transport Plan (Places for People). **It would be utterly contrary to the spirit of this initiative to encourage more traffic into the area in terms of attracting customers.** This is already an issue with the adjoining premises which has attracted more traffic into the community.

As well as the increase in traffic into a Low Traffic Network areas, the noise of customers – many intoxicated – leaving the premises Monday to Saturday will also add to the public nuisance. Whether this is customers chatting outside the premises or customers getting into their cars in the surrounding residential roads, the local community will suffer as a result. **All of these issues will be magnified if the premises have an outdoor seating area.**

Furthermore, the noise of the restaurant closing up will also generate considerable noise itself including the noise of the roller shutters closing, the clanking of bottles into the bottle bin and the sound of staff leaving the premises. We live directly opposite these premises and we are regularly disturbed during the Summer

months when my bedroom window is open by loud music, loud cars, people playing football outside and with groups of people chatting around these premises in the early hours of the afternoon, evening and night. The proposed hours of operation will directly result in consistent and offensive disturbance seven days a week which will wake our whole family, neighbours and community.

In addition, this licensing application has serious implications in terms of the protection of children from harm.

The local community around the premises is residential with lots of families with children living very close by. **These people chose to bring up their children in this area BECAUSE it is away from licensed premises and they will all be adversely affected.**

This premises is opposite our family home and our daughter's bedroom will be directly affected. We already have to keep the windows shut to reduce noise and smells from 124 Billesley Lane because groups of people meet outside, talk loudly and play football: this will only be increased by noise and smells from 126 Billesley Lane. The light pollution from 126 Billesley Lane will be significant and we have had to fit blackout curtains.

Most importantly, a licensed premises will impact on our young children's sleep and mental health in terms of promoting the consumption of alcohol, noise and smells. Both our children are adopted and still react badly to loud noises and loud people. In the future our daughter will be forced to watch people drinking when she looks out of her window. In particular, both children will be less able to enjoy their garden if they have to listen to people drinking outside across the street. **The overall effect on the well-being of our children and our family will be severe.**

We are very willing to attend any hearing at the Licensing Committee.
Yours sincerely,

From:
Sent: 22 December 2021 12:05
To: Licensing
Subject: Objection - Application 123447

To Licensing,

**Objection to the following licensing application:
123447 - 126 Billesley Lane Moseley Birmingham B13 9RD**

I wish to further object to the above licensing application for the following reasons:

The application for to allow the selling of alcohol in a restaurant at 126 Billesley Lane for the following times:

Monday - Sunday 09:00 23:30
Monday - Sunday 09:00 23:30

The application would allow customers to consume alcohol on the premises for the following times:

Monday - Sunday 09:00 00:00
Monday - Sunday 09:00 00:00

This would mean customers leaving the restaurant at midnight, 7 days a week.

I need to bring to the Licensing Committees attention that 126 Billesley Lane currently only has planning permission to be a retail unit for the following hours of operation:

- 0800-2000 hours Mondays to Saturdays, and 0800-1900 hours Sundays and Bank Holidays

This was approved in planning application 2014/03677/PA and further supported in planning appeal decision APP/P4605/W/15/3129988

Therefore the consumption of alcohol at the premises should be limited to the hours approved by planning application 2014/03677/PA. Namely 0800-2000 hours Mondays to Saturdays, and 0800-1900 hours Sundays and Bank Holidays. This would mean that all customers need to be off the premises by 2000 hours Mondays to Saturday; 1900 hours Sundays and Bank Holidays.

Any extension of the hours beyond those approved in planning application 2014/03677/PA will have the following negative impacts:

The creation of a public nuisance.

126 Billesley Lane is located in a residential area, with residential houses closely surrounding it and residential flats immediately above it.

The noise of customers - many intoxicated - leaving the premises at midnight, Monday to Saturday will generate a lot of noise. This noise will be of:

- customers chatting outside the premises
- noise of customers getting into their cars in the surrounding roads. The customers will have to park in the surrounding residential roads due to the limited on-street parking and the noise will include: switching off their car alarms; banging the doors shut; turning on the car radio with the windows down; chatting to friends next to the car. Having all this happening in the surrounding roads where

customers have parked their cars, between midnight and 1am, Monday to Saturdays will be a huge nuisance.

Further, the noise of the restaurant closing up after midnight will also generate a lot of noise itself. This will include:

- the noise of the roller shutters closing;
- the clanking of bottles into the bottle bin;
- the sound of staff leaving the premises

All this noise happening within less than 5 metres of bedroom windows immediately above the restaurant. I live next door to this premises and I am regularly woken up during the Summer months, when my bedroom window is open, by groups of drunken people chatting around these premises in the early hours of the night. The proposed hours of operation will mean this occasional nuisance will be happening seven days a week and waking me up.

Disturbance of sleeping children

As outlined above, the closing of this restaurant at midnight, Monday to Saturday will generate a lot of noise. The restaurant is surrounded by properties that currently have young families or have a steady turnover of young families - the flats above the proposed restaurant attracts a turnover of families with young children.

This noise will wake up those children, especially during the Summer months, and keep them awake for a considerable time.

Quality of life

Where people will be consuming alcohol, this goes hand in hand with smoking cigarettes/other substances. This will create air pollution and the smell will be unbearable to some.

Someone with asthma, and in the current Covid situation where lungs and breathing are given a higher caution for survival; air pollution and being very sensitive to smoke this may be detrimental to my health and could aid potential life threatening viruses.

I am willing to attending any hearing at Licensing Committee.

From:
Sent: 22 December 2021 15:25
To: Licensing
Subject: Licence application 123447

Dear Sirs / Madam,

I strongly object to the property of 126 Billesley Lane, Moseley increasing their licensing hours. We live at Billesley lane, this is a domestic neighbourhood and we don't want alcohol fuelled disturbances at night due to increased licensing hours Kind regards

From:

Sent: 22 December 2021 18:35

To: Licensing

Subject: Objection to the following licensing application 123447 - 126 Billesley Lane, Moseley, Birmingham B13 9RD

I wish to object to the above mentioned licensing application for the following reasons:-

The application is to allow the selling of alcohol in a restaurant, in a residential area, at 126 Billesley Lane as follows:-

Monday to Sunday 0900 - 23.30

Monday to Sunday 0900 - 23.30

The application would allow customers to consume alcohol on the premises for the following times:-

Monday to Sunday. 0900 - 0000

Monday to Sunday. 0900 - 0000

Customers would be leaving the restaurant at midnight 7 days a week.

I wish to inform you that 126 Billesley Lane currently only has planning permission to be a retail unit for the following times:-

0800 - 2000 hours Monday to Saturdays and

0800 - 1900 hours Sundays and Bank Holidays

This was approved in Planning Application 2014/03677/PA and further supported in Planning Appeal decision APP/P4605/W/15/3129988.

I feel that the consumption of alcohol at the above premises should be limited to the hours approved by the planning application 2014/03677/PA, i.e.

0800 - 2000 hours - Mondays - Saturday, and

0800 - 1900 hours - Sundays and Bank Holidays Customers would need to have left the premises by 2000 hours Monday to Saturday and by 1900 hours Sundays and Bank Holidays.

Any extension of the hours beyond those approved in planning application 2014/03677/PA will have the following impact in a residential area.

Public Nuisance

126 Billesley Lane is located in a residential area surrounded by houses and two flats above. Our home is only a stone's throw from the above address.

Noise

There is only one car parking space at the premises. Customers will be parking their cars in the surrounding roads, local residents will be disturbed with car doors slamming, engines revving, people chatting and finishing off their cigarettes before getting into their cars. etc. The local residents would be disturbed when trying to go to sleep with customers parking outside their homes.

Also, the noise of the premises shutter closing, outside bins being filled, staff going home after the customers have left will impact on the neighbouring properties, seven days a week.

Disturbance

During the summer months local residents would be forced to sleep with the windows closed due to the noise.

From:
Sent: 23 December 2021 02:17
To: Licensing
Subject: 123447 objection

Objection to the following licensing application:
Southlands Road, Moseley, Birmingham B13
23rd December 2021

123447 - 126 Billesley Lane Moseley Birmingham B13 9RD

I wish to further object to the above licensing application for the following reasons:
The application for to allow the selling of alcohol in a restaurant at 126 Billesley Lane for the following times:

Monday - Sunday 09:00 23:30 Monday - Sunday 09:00 23:30

The application would allow customers to consume alcohol on the premises for the following times:

Monday - Sunday 09:00 00:00 Monday - Sunday 09:00 00:00

This would mean customers leaving the restaurant at midnight, 7 days a week.

If people are drinking alcohol they will need lifts home as they cannot drive so there will be an increase in cars sitting with engines and music on outside our houses while they wait to pick up friends and family- contributing to poor air quality. Taxi drivers will do the same while they wait for customers and this will result in continuous noise and traffic on our usually quiet residential road as a result of parking sensors, engines, music, doors slamming etc. This will disturb us at night when we need to relax and I have found it difficult to study in the evenings when I can hear car alarms, engines, music since 'flamin burgers' opened. It will only get worse with 'Melt'. This all causes public disturbance as well as a disturbance to children who are trying to sleep.

The litter has already increased on Southlands road and Billesley lane with an increase in drinks cans, fried chicken boxes, discarded food and napkins scattered on the floor. This is disgusting and creates a dirty atmosphere. Customers of these shops don't consider the neighbours and will be less bothered when drunk, leaving drinks bottles on the ground.

From:
Sent: 23 December 2021 11:06
To: Licensing <
Subject: Objection to licensing application - 123447

Dear Licensing Board

Objection to licensing application - 123447

Trading name: Melt
Trading address: 126 Billesley Lane, Moseley, Birmingham, B13 9RD

Please see my reasons below for objecting to the above licensing application

Overprovision:

Within less than a mile of the trading address which is in a residential area, there are already multiple premises where alcohol can be purchased for consumption on and off site.

One Stop the local convenience store is within 400ft of the trading address at 117 Billesley Lane. It sells alcohol for consumption off site.

Asda Superstore and Kings Heath pubs/ restaurants are around 0.7 miles of the trading address. There is an ample supply of premises that sell alcohol for consumption on and off site.

M and S Foodhall and Moseley pubs / restaurants (St Mary's Row) are 0.9 miles of the trading address. There is an ample supply of premises that sell alcohol for consumption on and off site.

The protection of children from harm:

As mentioned previously the trading address is in a residential area. The introduction of a premises in the area selling alcohol for consumption on and off site especially with the licensing hours requested (09:00 - 23:30 daily) has the potential to bring a volatile mix to the area of inebriated clientele and secondary school aged children / families with younger children.

This will impact on children playing out safely as a new uncontrollable element will have been introduced into the area especially during school holidays. One just has to look at the all-day drinking issues and associated problems linked to them that happen in and around St Mary's Row (Moseley Village).

The creation of a public nuisance:

As mentioned previously the trading address is in a residential area, with residential houses closely surrounding it. Parking for the venue could be in any of the roads in the vicinity, bringing with it additional noise from cars and people going on into the early hours of the morning, affecting quality of sleep for us and our children and changing the dynamic of the area.

I would be concerned about the potential safety and security of the area with groups of people drinking late in the evening 7 days a week.

I have also attached a version of my objections in a microsoft word format document.

Yours sincerely

From:
Sent: 23 December 2021 21:22
To: Licensing
Subject: Re: Objection to licensing application 123447

Dear all

Please find attached our objection to the following licensing application: **123447 - 126 Billesley Lane Moseley Birmingham B13 9RD .**

Your sincerely

Cambridge Road
Moseley,
Birmingham B13

22nd December 2021

To: Licensing

Objection to the following licensing application: **123447 - 126 Billesley Lane Moseley Birmingham B13 9RD .** The application is to allow the selling of alcohol in a restaurant at 126 Billesley Lane for the following times: Monday - Sunday 09:00 23:30. The application would allow customers to consume alcohol on the premises for the following times: Monday - Sunday 09:00 00:00. This would mean customers leaving the restaurant at midnight, 7 days a week.

I need to bring to the Licensing Committee's attention that this application contains a crucial factual error: contrary to what is stated in the application, 126 Billesley Lane currently **only has planning permission to be a retail unit for the following hours of operation: 0800-2000 hours** Mondays to Saturdays, and 0800-1900 hours Sundays and Bank Holidays. **This was approved in planning application 2014/03677/PA and further supported in planning appeal decision APP/P4605/W/15/3129988.** This would mean that all customers need to be off the premises by 2000 hours Mondays to Saturday; 1900 hours Sundays and Bank Holidays. **Therefore we feel that the Licensing Application itself should be rejected because the premises cannot be open for the times stated.**

I am objecting to the application on the following grounds:
The prevention of public nuisance.
The protection of children from harm.

Allowing this licensing application will have a hugely detrimental impact on the local community through the creation of a public nuisance.

126 Billesley Lane is located in a quiet residential area, with residential houses closely surrounding it and residential flats immediately above it. **There is simply no need for licensed premises in such a residential area:** King's Heath high street is approximately 10 minutes walk away and is amply provided with bars and pubs.

The area is part of the Birmingham City Council Emergency Transport Plan (Places for People). **It would be utterly contrary to the spirit of this initiative to encourage more traffic into the area in terms of attracting customers.** This is already an issue with the adjoining premises which has attracted more traffic into the community.

As well as the increase in traffic into a Low Traffic Network areas, the noise of customers – many intoxicated – leaving the premises Monday to Saturday will also add to the public nuisance. Whether this is customers chatting outside the premises or customers getting into their cars in the surrounding residential roads, the local community will suffer as a result. **All of these issues will be magnified if the premises have an outdoor seating area.**

Furthermore, the noise of the restaurant closing up will also generate considerable noise itself including the noise of the roller shutters closing, the clanking of bottles into the bottle bin and the sound of staff leaving the premises. We live directly opposite these premises and we are regularly disturbed during the Summer months when my bedroom window is open by loud music, loud cars, people playing football outside and with groups of people chatting around these premises in the early hours of the afternoon, evening and night. The proposed hours of operation will directly result in consistent and offensive disturbance seven days a week which will wake our whole family, neighbours and community.

In addition, this licensing application has serious implications in terms of the protection of children from harm.

The local community around the premises is residential with lots of families with children living very close by. **These people chose to bring up their children in this area BECAUSE it is away from licensed premises and they will all be adversely affected.**

This premises is opposite our family home and our daughter's bedroom will be directly affected. We already have to keep the windows shut to reduce noise and smells from 124 Billesley Lane because groups of people meet outside, talk loudly and play football: this will only be increased by noise and smells from 126 Billesley Lane. The light pollution from 126 Billesley Lane will be significant and we have had to fit blackout curtains.

Most importantly, a licensed premises will impact on our young children's sleep and mental health in terms of promoting the consumption of alcohol, noise and smells. Both our children are adopted and still react badly to loud noises and loud people. In the future our daughter will be forced to watch people drinking when she looks out of her window. In particular, both children will be less able to enjoy their garden if they have to listen to people drinking outside across the street. **The overall effect on the well-being of our children and our family will be severe.**

We are very willing to attend any hearing at the Licensing Committee.
Yours sincerely,

From:
Sent: 20 December 2021 11:29
To: Licensing
Subject: 126 Billesley Lane B13 9RD

To whom it may concern,

My name is I live above this premises with my wife .

I am writing this email to offer my support for the proposed restaurant to go ahead.

I recently received a letter through our postbox, likely the same as everyone else on Southlands Road, and possibly even the surrounding area, displaying concerns, a letter from a Mr .

Referencing this letter, I find his concerns and points of action to be preposterous. I will reference each one (that I can remember) below.

Firstly, the idea that the shutters to the premises will cause noise and disruption. I would point out that I, like many other people in the country, am working from home. My "office" is situated directly above the shutters, and when they are operational, I can only hear a slight hum, and this, as aforementioned, is the room directly above, therefore I conclude that this point is ridiculous.

Secondly, Mr references drunk people causing him to wake up in the summer later at night. There are two points I'd like to draw on this. Firstly, as I lived here over the summer, no premises were open, the lot was vacant. Therefore the drunk people waking him were evidently not patrons of the proposed restaurant, but his neighbours coming home from drinking elsewhere. Secondly, if this establishment is how I believe it will be, the license for serving of alcohol will mean, yes, it can be served in site, however, this is not a nightclub, not a Wetherspoons etc, I highly doubt there will be swathes of disorder down a residential street like Southlands Road.

Drinking brings me onto my third point. I have spoken to the owners/licencees of the lot, and they have assured me that any bottles emptied would be restricted to acceptable times, therefore Mr point of loud noises from bottle bins is justified to an extent, however, if he were to actually mediate some dialogue between himself and the owners, he will actually understand that they are kind and respectful, and willing to take residential concerns on board.

To be perfectly candid with you, although residents of the area are entitled to their concerns, of course, I feel as though the whole scenario wafts of middle aged suburban closed mindedness. As aforementioned, if the residents actually took the time to take to the owners, they would see that they are open to dialogue, take views and critique onboard, are open, honest and nice, and would display their vision for the premises.

Therefore I conclude this email by saying that ai, , from Billesley Lane, say that while you may read differing in other correspondence (eg Mr), I can speak for myself, and I have no concerns to write about with regard to the proposed in the property below mine, in fact, I wholeheartedly issue my support, as we have had dialogue, and they can confirm any issues of mine (eg bottle bin) are addressed as mentioned before.

I welcome this restaurant/bar to the neighborhood and wish that you will do the same.

Thank you, and a Merry Christmas and New year to you all.

Billesley Lane



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 the applicant would prefer not to be contacted by telephone

Is the applicant:

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

☐ Applying as an individual

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

Applicant Business

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

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

Registration number

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

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

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

☒ An agent that is a business or organisation, including a sole trader

A 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

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.

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

Moseley Food & Drink Ltd

Details

Registered number (where applicable)

12737080

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

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.

Melt occupies 126 Billesley Lane, Moseley and will operate at ground floor and basement levels and incorporate the small front outside space as shown on the plans.
This application is for the grant of a premises licence for the retail sale of alcohol for consumption on and off the premises and late night refreshment.

Continued from previous page...

Off sales of alcohol is sought to allow visitors to purchase alcohol for consumption at home & for delivery.

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☐ Yes

☒ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Continued from previous page...

Will you be providing performances of dance?

☐ Yes

☒ No

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

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

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

☒ Indoors ☐ Outdoors ☐ Both

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

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

--

State any seasonal variations

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

--

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

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

--

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

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...

WEDNESDAY

Start 09:00

End 23:30

Start

End

THURSDAY

Start 09:00

End 23:30

Start

End

FRIDAY

Start 09:00

End 23:30

Start

End

SATURDAY

Start 09:00

End 23:30

Start

End

SUNDAY

Start 09:00

End 23:30

Start

End

Will the sale of alcohol be for consumption:

- ☐ On the premises ☐ Off the premises ☒ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

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

--

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

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

--

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

Continued from previous page...

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'.

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.

none

Continued from previous page...

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 09:00

End 00:00

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 09:00

End 00:00

Start

End

WEDNESDAY

Start 09:00

End 00:00

Start

End

THURSDAY

Start 09:00

End 00:00

Start

End

FRIDAY

Start 09:00

End 00:00

Start

End

SATURDAY

Start 09:00

End 00:00

Start

End

SUNDAY

Start 09:00

End 00:00

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.

--

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.

The premises licence holder, DPS, management and staff will constantly assess any risks to the licensing objectives. They will work in partnership with the authorities and local people alike in this respect. The staff will be properly authorised, equipped, trained and motivated in this task. There will be:

- A written notice of 'authority' record for all staff who sell alcohol
- Comprehensive training for staff in the main requirements of the Licensing Act 2003, the specific measures and conditions in place to promote the Licensing Objectives and the staff roles and responsibilities. Such records shall be available for inspection by the responsible authorities and be retained at the premises for 6 months.
- Contact details of the Designated Premises Supervisor or nominated adult representative shall at all times be available to staff, the authorities and local residents.
- The sale of alcohol shall primarily be to complement the provision of food

FOR DELIVERIES:

- Deliveries shall only be made to pre-arranged postal addresses (not to open spaces)
- A clear document trail shall be maintained of the order process from order, despatch from the licensed premises and delivery to the customer and available for inspection by an authorised officer
- Strict terms and conditions emphasising the right to and the duty to refuse alcohol sales or supplies where there are concerns over age, drunkenness or the vulnerability of customers, which shall be included in promotional material, on the website and through staff training.
- When the delivery person is employed directly by the Premises Licence Holder, a register of staff details must be kept on the premises and must be made available for inspection by Local Authority officers and the Police.
- Records of all alcohol sales including the customer's name and delivery address must be retained for 6 months and made available for inspection by Local Authority officers and the Police.

b) The prevention of crime and disorder

The management and staff will take all necessary steps to ensure that the premises remain free from crime and disorder and neither cause or contribute to crime & disorder in the area. This will include:

- Staffing levels shall be maintained appropriately to ensure adequate security.
- High value items shall be stored securely
- Staff shall be trained on security issues including how to identify and refuse service to customers that are drunk or appear to be drunk.
- A policy of zero-tolerance to drugs at the premises
- CCTV coverage shall be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
- Cameras shall encompass all ingress and egress to the premises and all internal areas where the sale/ supply of alcohol occurs.
- Equipment shall be maintained in good working order and checked every 12 months.
- The system shall record in real time and operate whilst the premises are open for licensable activities.
- The recordings shall be kept available for a minimum period of 28 days and handed to Police or Local Authority Officer on request.
- The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual.
- Appropriate signage representative of the above shall be displayed in conspicuous positions.
- There will be sufficient members of trained staff available to be able to download evidence with the minimum of delay at

Continued from previous page...

the request of the Police or Local Authority approved officer

- Customers shall be prevented from leaving the premises with glasses or open bottles, except for those utilising the outside space.

c) Public safety

The management and staff will have an effective policy to maintain a safe venue for customers and staff. Any risk to safety will be assessed before the premises are opened to visitors each day and throughout the hours of operation. The DPS will liaise with the authorities to ensure that all aspects of public safety are adhered to. The policy will include:

- Appropriate fire fighting equipment being installed and maintained at the premises and staff trained in its use.
- Fire risk assessments being undertaken and acted upon in accordance with current recommendations and requirements.
- Effective lighting maintained and operated to ensure the safety of visitors and staff
- The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
- The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided

d) The prevention of public nuisance

The Licence holder, DPS and staff are mindful of the need to reduce the impact of any nuisance caused by the operation of the premises, will constantly assess the risk of public nuisance and take immediate steps to eliminate the problem. The policy will include that:

- Satisfactory arrangements will be put in place to supervise an orderly dispersal of customers when leaving the property to ensure the minimum of noise and disturbance to local residents.
- No noise generated on the premises or by its associated plant or equipment shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- No waste bottles shall be moved within, removed from or placed in outside areas between 22.00 hours and 08.00 hours on the following day
- No collections of waste or recycling materials (including bottles) from the premises shall take place between 22.00 and 08.00 hours on the following day
- The premises licence holder shall ensure that any patrons drinking, eating and/or smoking in the outside areas of the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance
- Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.

e) The protection of children from harm

- Should children be in attendance, there will be no inappropriate entertainment, promotions, activities or behaviour tolerated at the premises that might put children at risk.
- The age-verification policy will be one of Challenge 25. This will be specified in promotional material, terms & conditions, within the premises and emphasised through staff training.
- Anyone not looking 25 at the point of sale or delivery will be expected to prove that they have turned 18. Acceptable ID will be a photo driving licence, passport, PASS accredited proof of age card or other photo ID that is recommended for acceptance by the police or other authorities.
- Staff shall be trained in aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy.
- Training will occur before a staff member is given authorisation to sell alcohol within the premises.
- Staff training records will be available for inspection by the police or other responsible authority upon request.

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Continued from previous page...

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

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

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

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

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

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PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

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

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

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

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

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

190.00

DECLARATION

1

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).

1 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

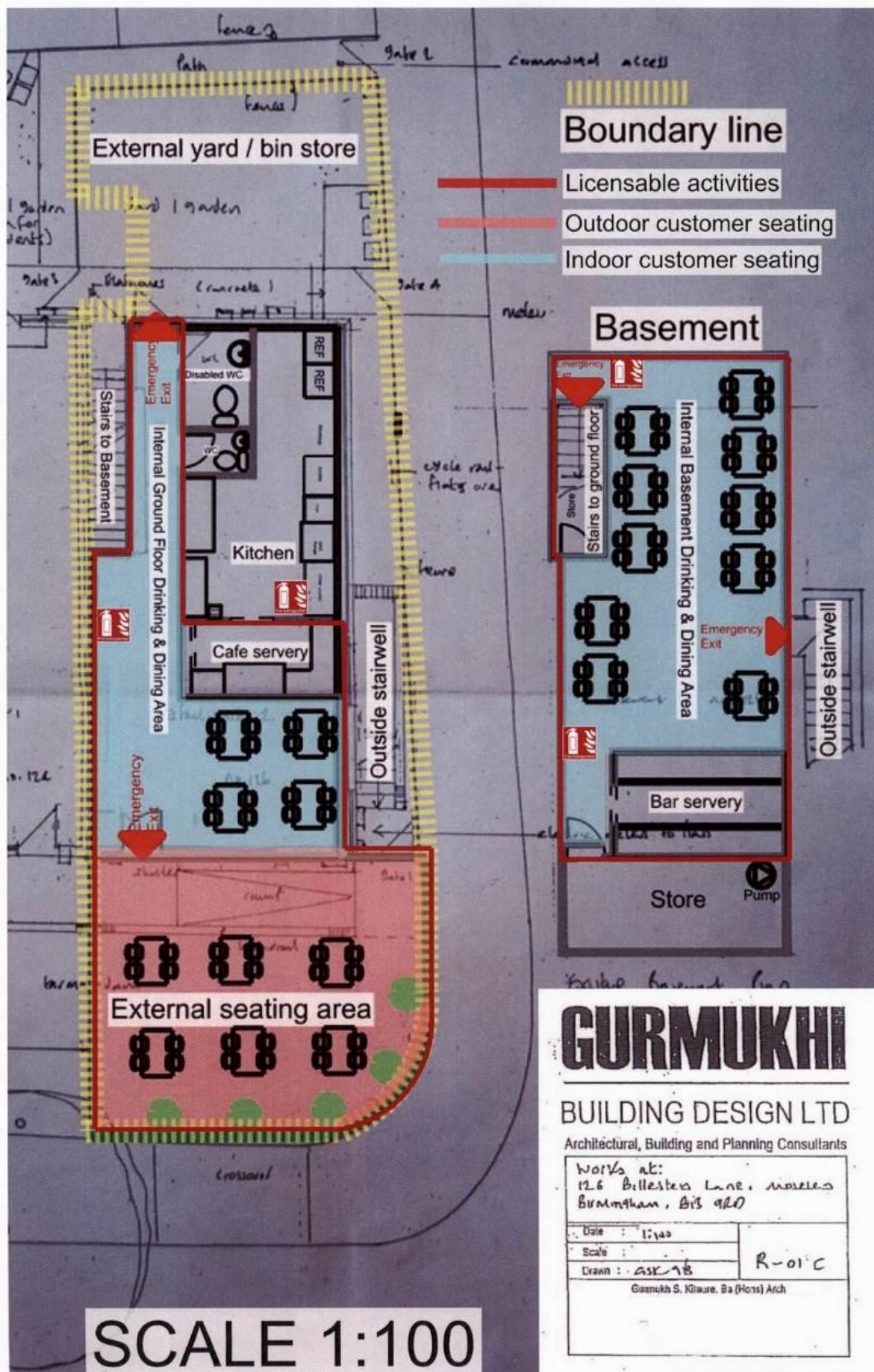
Once you're finished you need to do the following:

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



30 December 2021

Dear *****

MELT, 126 Billesley Lane, Moseley, Birmingham B13 9RD - Premises Licence application

I act for Lisa Dingley of Moseley Food & Drink Ltd, in respect of her application for the grant a new premises licence. We note your representations in opposition to this application which has caused a hearing to be held in front of Birmingham City Council Licensing sub-committee in due course.

The premises are also subject to a planning application for the increase of operating hours. Planning and Licensing are two separate statutory regimes and the licensing hearing shall not entertain comments that are more relevant to the planning application. My client is fully aware that she may not operate her restaurant to the hours sought in her application for a premises licence unless and until planning approval has been granted for those hours.

Lisa has instructed me to make an amendment to her submitted application so that the terminal hour for the sale of alcohol shall be 2230hrs on any day, closing 30 minutes later, which is consistent with the planning application currently under consideration.

Other than the planning officer who has pointed out the current discrepancy between proposed licensed hours and the existing planning approval, there are no outstanding representations made by any other responsible authority. This includes the police, with whom we have agreed some slight amendments to the proposed conditions (see summary attached), environmental health, who are responsible for all matters relating to public nuisance, the health authority, trading standards, fire department, the licensing authority itself, and all others.

They have each scrutinised the application and are satisfied that the conditions offered fully meet any risks associated with the sale of alcohol at these premises. I have attached a summary of the conditions that have been offered to meet any potential risks, in case you have not had an opportunity to properly scrutinise the submitted application. These conditions are comprehensive, measurable and enforceable and there to promote the Licensing Objectives.

It is only the impact of the sale of alcohol that is under consideration in this matter, not the very existence of this new restaurant. There is no requirement for Lisa to demonstrate a need for this licence.

I would respectfully ask you to keep this application in perspective. Lisa's business depends upon the good will of the local community and she is very keen that residents support her business rather than raise concerns that are not relevant to a licensing application.

For a representation to be considered as relevant it must be about the 'likely' impact of the application sought upon the Licensing Objectives. 'Likely' is defined as 'probable'. It is for an objector to provide evidence of this probable effect to the licensing sub-committee otherwise there is a legal presumption in favour of granting the licence. Issues around car parking in the area will be disregarded as they are not relevant to a licensing hearing. Lisa's restaurant has not yet opened and she cannot be judged until she has done so. Matters relating to other premises in the area will also be disregarded as irrelevant at the hearing.

We very much respect your right to raise concerns and Lisa would welcome an opportunity to speak with you, to identify common ground and to examine those concerns effectively, rather than in the formal arena of a council hearing. If you are prepared and able to speak with Lisa at any time, I would be grateful if you could confirm this by emailing me at lisa@innconfidence.co.uk indicating a time when she may contact you.

If, after having given consideration to my letter and the enclosed application detail, you feel sufficiently reassured and able to withdraw your written representation, please contact licensing@innconfidence.co.uk

Yours Faithfully, *Mike*

Mike Nickson, Director, INN Confidence Ltd



Mike Nickson is the Holder of the national NITA training award for 'Social Responsibilities in Licensed Retailing'

From: Mike Nickson
Sent: 29 November 2021 13:25
To: Mark Swallow
Subject: RE: [External]: RE: Moseley Food and Drink Ltd, 126 Billesley Lane, Moseley. B13 9RD.

Hi Mark

All accepted. Thanks for this

Mike

From: Mark Swallow
Sent: 29 November 2021 12:30
To: 'Mike Nickson'
Subject: RE: [External]: RE: Moseley Food and Drink Ltd, 126 Billesley Lane, Moseley. B13 9RD.

Mike,

Thank-you I have drafted a condition to cover the eventuality if you can have a look with the client please.

Mark.

From: Mike Nickson
Sent: 29 November 2021 12:00
To: Mark Swallow
Subject: RE: [External]: RE: Moseley Food and Drink Ltd, 126 Billesley Lane, Moseley. B13 9RD.

Hi Mark

Good to speak with you. My client is happy to accept and adopt your suggested conditions, in full.

With regard to the use of the outside space, she is also happy to say that this space shall not be used for licensable activity after 2200hrs on any day, but would like to retain the option after that time of allowing smokers to use this space, albeit without drinks. We have already offered a condition saying that 'the premises licence holder will ensure patrons drinking, eating and/or smoking in the outside areas do so in an orderly manner and will be supervised by staff to ensure there is no public nuisance', which is at all times. Would you prefer an alternative wording?

Ta, Mike

[Mike Nickson](#)

DIRECTOR, Inn Confidence

Inn Confidence Ltd

From: Mark Swallow
Sent: 29 November 2021 10:36
To: 'Mike Nickson'
Subject: RE: [External]: RE: Moseley Food and Drink Ltd, 126 Billesley Lane, Moseley. B13 9RD.

Mike,

Thank-You for the clarification. In order to promote the licensing objectives could your client please consider the following conditions being added to the application. If they are acceptable to your client please email this to me and I will pursue the matter with the local authority. If there are any issues either email this to me or contact me on 0121

Mark Swallow.
West Midlands Police.
Birmingham Central Licensing Team.

1. Staff involved in the sale of alcohol are to be trained under the Licensing Act 2003 prior to being allowed to sell/ supply alcohol. All training is to be documented and signed by the Premises License Holder and the trainee. All training records are to be made available to any of the responsible authorities on request.
2. If the CCTV hard drive is replaced the old system will be kept on the premises for 31 days and made available to any of the responsible authorities on request. The cctv system will be checked daily prior to licensable activity taking place. The identity of the person making the check and the result will be recorded in a log which will be kept for 12 months and made available to any of the responsible authorities on request.
3. Staff involved in the sale/ supply of alcohol are to receive documented refresher training every six months.
4. Contracts with third party delivery companies are to be on-site and are to be made available to any of the responsible authorities on request.
5. The Premises License Holder is to have a documented alcohol policy to indicate that all third party delivery companies have trained their staff under the Licensing Act 2003.
6. Prior to working any third party delivery company must sign and date the Alcohol Policy to indicate their agreement to be bound by it.
7. The Alcohol Policy is to be made available to any of the responsible authorities on request.
8. Details of every delivery of alcohol is to be recorded including the identity of who it was delivered to and the identity of the deliverer. This data is to be made available to any of the responsible authorities within twenty-four hours of it being requested.
9. The training document used by any third party involved in delivery detailing Licensing Act 2003 training is to be signed off by the Premises License Holder to show that it satisfies their training requirements for the promotion of the Licensing Objectives.
10. The company will operate Challenge 25 whereby all orders of restricted items (alcohol), where the address and name will be verified prior to the acceptance of such order.
11. The premises License Holder is to have a documented policy in relation to how age restricted products are sold on-line and the checks that are to be made. This policy is to be made available to any of the responsible authorities on request.
12. Any refusal of supply at the point of delivery is to be documented in the Premises License Holders refusals log.
13. Age restricted orders (alcohol), will only be sent to the address given when the order was placed and will not be left on the doorstep.
14. The premises will maintain a refusals and incident register. This will be made available to any of the responsible authorities on request.
15. If deliveries are made by in-house staff age verification checks will be carried out on and the products only delivered to the person ordering the products. Deliveries will be signed for. The company will keep copies of the deliveries and these will be made available to any of the responsible authorities on request.
16. All delivery drivers waiting for deliveries will wait inside the premises. Delivery drivers will not be permitted to smoke in the immediate vicinity of the premises. Delivery drivers will not be permitted to congregate in the immediate vicinity of the premises. Delivery drivers will be instructed not to loiter in the vicinity of residential premises.
17. The premises will not use the outside area for licensable activity after 2200 hours on any day the premises is open for licensable activity other than for persons to smoke provided they do not take either drink or food outside with them.

