

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 23 FEBRUARY 2022 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

A G E N D A

1 **NOTICE OF RECORDING/WEBCAST**

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 **DECLARATIONS OF INTERESTS**

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

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3 - 42

4 **LICENSING ACT 2003 PREMISES LICENCE – GRANT SPRINKLES DESSERTS, 75 THORNBRIDGE AVENUE, BIRMINGHAM, B42 2PW**

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

5 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

| | |
|-------------------------|---|
| Report to: | Licensing Sub Committee C |
| Report of: | Interim Assistant Director of Regulation & Enforcement |
| Date of Meeting: | Wednesday 23rd February 2022 |
| Subject: | Licensing Act 2003 Premises Licence – Grant |
| Premises: | Sprinkles Desserts, 75 Thornbridge Avenue, Birmingham, B42 2PW |
| Ward affected: | Perry Barr |
| Contact Officer: | David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk |

1. Purpose of report:

To consider representations that have been made in respect of an application for a Premises Licence which seeks to permit the provision of late night refreshment to operate from 11:00pm until 05:00am (Monday to Sunday).

Premises to remain open to the public from 12:00midday until 05:00am (Monday to Sunday).

2. Recommendation:

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

3. Brief Summary of Report:

An application for a Premises Licence was received on 4th January 2022 in respect of Sprinkles Desserts, 75 Thornbridge Avenue, Birmingham, B42 2PW.

Representations have been received from Environmental Health, Birmingham City Council Licensing Enforcement as responsible authorities and from other persons.

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

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

5. Relevant background/chronology of key events:

Sprinkles Dessert Lounge Limited applied on 4th January 2022 for the grant of a Premises Licence for Sprinkles Desserts, 75 Thornbridge Avenue, Birmingham, B42 2PW.

Representations have been received from Environmental Health and Birmingham City Council Licensing Enforcement as responsible authorities, which are attached at Appendices 1 & 2.

Representations have been received from other persons, which are attached at Appendices 3 – 16

The application is attached at Appendix 17.

Site Location Plans at Appendix 18.

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 – 16
Application Form, Appendix 17
Site Location Plans, Appendix 18

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.

From: Peter R Brown
Sent: 10 January 2022 16:20
To: Licensing
Subject: Sprinklers Dessert, 75 Thornbridge Av

Good afternoon

This is an application for late nigh refreshments up to 5am seven days a week. Environmental Health objects to the requested hours on the grounds that those hours would adversely affect the amenity of the residents above and nearby. The requested hours would be wholly out of keeping with other businesses in the area and may encourage further similar applications with a risk that the character of the area would be irreversibly changed. There are no other late night food or entertainment businesses operating in this predominantly residential area. The adjacent pizza vendor is not licensed and shuts at 23.00 and has a 2013 planning consent which restricts hours until 23.30 for the stated purpose of protecting the amenity of nearby residents. In summary, Environmental Health does not support the extension of hours beyond 23.00.

Regards

Peter Brown
Environmental Health Officer

From: Doug Wright
Sent: 01 February 2022 16:59
To: Bhapinder Nandhra
Subject: Sprinkles Dessert lounge 75 Thornbridge Avenue.

Bhap,

Done my enforcement inspection and the blue notice has been on display.

However, have concerns over a Dessert shop wishing to trade in a residential area until 05:00 hours. The Pizza shop 2 doors away isn't licensed so assume closes at 23:00 hours.

Beeches pub almost opposite, which stops serving alcohol at 00:00 hours and closes 30 minutes later

So why would they want to ask for 5:00. Can't see there would be requirement for that sort of operating time.

Unless as we discussed it's to cover the kitchen and deliveries, but the application does not state that. They have not advised what time the premises will shut to the public.

I know it's only a LNR but must object to a licence that lets a premises operate until 05:00 hours in a residential area under the prevention of public nuisance. This may possibly cause crime and disorder so would also mention the prevention of crime and disorder as well.

Doug Wright
Licensing Enforcement Officer

Licensing Section, P.O. Box 17831, Birmingham, B2 2HJ

From: Councillor Morriam Jan
Sent: 28 January 2022 12:33
To: Licensing
Cc
Subject: Objection to the all night dessert shop

Hello

Happy New year, I would like to object to the proposed planning application for the all night Desert shop based on Thornbridge Avenue.

My objections are that this can cause ASB and people loitering and this is not needed or wanted by the local community and they have also raised there concerns and I agree.

As a Cllr for Perry Barr I have listened to my residents and I will be supporting them with this and I have already started a petition which will be presented at full council.

Thank you

Kind Regards

Councillor Morriam Jan

Perry Barr Ward

PETITION – OBJECTION TO ALL-NIGHT DESSERT SHOP ON THORNBRIDGE AVENUE, PERRY BARR

We, the undersigned, object to plans for an all-night dessert shop on Thornbridge Avenue, Perry Barr.

Residents are concerned that an all-night dessert shop will attract anti-social behaviour, causing problems to the local residential community here. There are additional concerns that the establishment will apply for an alcohol license in the future.

| NAME | ADDRESS | SIGNATURE | EMAIL |
|------|-----------------------|-----------|-------|
| | - Thornbridge, B42 | | |
| | - Monsal Road | | |
| | Thornbridge avenue | | |
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Organised by Councillor Morriam Jan

From: Councillor Jon Hunt
Sent: 01 February 2022 16:12
To: Licensing
Cc:
Subject: Objection to the all night Sprinkles dessert shop

May I add my objection to Councillor Jan's?

I welcome the opening of this business but feel for them to open beyond 11pm will be out of character with this neighbourhood. There is no other overnight business and there is a pub that opens and closes according to normal hours.

This is a terrific local shopping centre but it is tightly embedded in a residential area with large numbers of flats above the shops, also. I fear that bringing in customers onto Thornbridge Avenue will encourage, in particular, vehicle based antisocial behaviour with drivers finding a wide, grass rimmed dual carriageway with lots of roundabouts open to them. This is already a problem on the estate.

Can I draw you attention to the petition submitted by Cllr Jan to the city council today and I hope this can be included in the consideration of the licensing.

Councillor Jon Hunt
Perry Barr Ward
Liberal Democrat

From:

Sent: 17 January 2022 18:24

To: Licensing

Subject: Re Application 123764

Re Application 123764

Sprinklers Dessert Lounge

Birmingham 75 Thornbridge Avenue, Great Barr, Birmingham. B42 2PW.

Dear Sir Madam

I wish to formally object to the late night opening hours proposal for the above establishment.

My reasons for the objection are:

1. This is mainly a residential area, this could cause noise pollution from car's coming and going late at night.
2. There is already antisocial behaviour and this could escalate it further.
3. There are a lot of elderly residents with an elderly peoples home opposite, they need peace & quiet.
4. Traffic and parking nuisance.
5. Litter nuisance – there are not a lot of bin's and often they are overflowing this will cause even more litter.
6. It is not an establishment that need's to open late at night.

Yours

Faithfully

Bradfield Road
Birmingham
B42

From:
Sent: 17 January 2022 18:00
To: Licensing
Subject: SPRINKLES DESSERT LOUNGE Application 123764

Dear Sir/Madam,

I would like to formally object to the Late Night Refreshment Trading for Sprinkles Dessert Lounge, 23:00-05:00, 75 Thornbridge Avenue, Great Barr, Birmingham. B42 2PW.

My reasons for the objection are the following:

- There is already an escalating anti social behaviour problem on Thornbridge Avenue in which the police are involved.
- This will be a place for people to congregate at unsociable hours thus increasing the chance of Public Disorder.
- The residents of Thornbridge Avenue are predominantly elderly and would have no cause for this service.
- There is a retirement housing establishment opposite the property, again filled with elderly residents: Bampfylde Place. They need their peace and quiet.
- There is the potential for noise nuisance and disturbance on the Avenue. No-one wants to be disturbed during the night.
- There may be increased litter and there are few litter bins on the frontages already.
- With anti social behaviour because of groups congregating around the establishment there will be a loss in property value.
- Having spoken to many of the neighbours on Thornbridge Avenue, it is not an establishment these people wish to have open during the night and early hours of the morning.
- Local residents have not been consulted.

I strongly disagree to this application because of the reasons stated. I have lived on the Beeches Estate for twenty years and do not wish to see any further potential trouble because of an eating establishment open at antisocial hours for its residents. I look forward to hearing from you in due course.

Yours faithfully,

From:
Sent: 18 January 2022 14:09
To: Licensing
Cc:
Subject: Application # 123764 under the Licensing Act 2003

Thornbridge Avenue
Great Barr
Birmingham
B42

18th January 2022

Dear Councillor Davis,

Re: Application #: 123764 under The Licensing Act 2003 “Sprinklers Dessert Lounge”

I am writing to you and your committee in response to the licensing application #123764, as mentioned above, dated 5th January 2022.

I object to this application in the strongest possible manner that I can convey in writing. To open a late night/early morning (23.00 to 05.00) take away drinking establishment in a residential area beggars belief. There may be a dozen retail outlets on Thornbridge Avenue but all of them have residents living above.

There are, to the best of my knowledge, no industrial establishments working 24/7 within a mile of B42 2PW. Nor are there any nightclubs within a mile radius. There are, however, many food and drink outlets, providing food, both take away and eat in, and drinks (alcohol and soft drinks), again both take away or sit down. There is also the Beeches PH. These outlets are open between 07.00 and 12 midnight. In addition, if the residents are in desperate need of sustenance be it food or drink, Asda, which is 1.5 miles from B42 2PW, is open 24hours 20six days a week. The last thing the residents need or want is such an establishment on their door step. I am asking the Licensing Committee to reject this application.

I am confident that not one member of the Committee would want such an establishment open during the above hours to be in the immediate vicinity where they live. I would like to stress here that it is not the type of establishment that I am objecting to but the hours during 1 which this establishment would be open. There would be constant noise created by both vehicles and customers, not to mention the increased litter. May I remind the Committee that is not permitted to use a car horn between 23.30 and 07.00 in an area with a 30mph speed limit. Yet this application, if successful, would create far greater noise pollution.

The premises already have their signage up, all set to go. A little presumptuous I believe.

For all the above reasons, I implore you and the Committee to reject this application.

Yours sincerely

From:

Sent: 18 January 2022 16:02

To: Licensing

Subject: Sprinkles Desert Lounge Thornbridge Avenue B42

Good afternoon

The above establishment has applied for a licence to trade between the hours of 11pm at night and 5am in the morning. Although I now understand this does not include alcohol I still wish to object to the granting of a licence. This establishment is opposite elderly peoples dwellings there are also flats above the shops. I can only see it causing noise, littering and could encourage anti social behaviour and disturbance to people living in the vicinity. I can see no reason for this type of business to trade during these hours.

Regards

Tideswell Rd, Birmingham B42

From:

Sent: 18 January 2022 20:17

To: Licensing

Subject: Objection to night trading

I am objecting to the night opening hours from 23.00 to 05.00 at 75 Thornbridge Avenue, B42 2PW at Sprinklers Dessert Lounge Limited. This is a residential area and is not supplying healthy food, as the previous shop, which mysteriously closed after 2 weeks. The sale of mojitos advertised on the shop, suggests alcoholic drinks to be sold. The ice cream and waffles are foods which will attract school children as well as others at night and cause more obesity in an already overweight population. I have heard of one young person state they will go when they can't sleep to satisfy their sweet tooth. Young people should not be encouraged to come out at these hours. Night opening in a residential area will bring loud cars which already race down Thornbridge Avenue. Some people have said it is for justeat drivers etc. But takeaways around the Avenue are closed at night and this is not a 'meal' shop, not even supplying decent food for night workers. One wonders who wants a dessert at these hours, or is there a hidden agenda? Kind regards

From:

Sent: 19 January 2022 08:52

To: Licensing

Subject: Case No: 123764 = SPRINKLES DESSERT LOUNGE, 75 THORNBRIDGE AVENUE, BIRMINGHAM B42 2PW

I wish to object to this Licensing Application number 123764

I am very concerned at the Notice that has been pinned outside of the proposed Sprinkles Dessert shop at 75 Thornbridge Avenue. This is not clearly visible to anyone who walks past and who may want to object and is not in a Legal Format ie. it is printed in Blue ink on an plain A4 sheet and nothing with Birmingham City Council logo on it to determine its Authenticity. I personally only noticed this by chance when going to the shop next door to it. It is hidden from the Public eye, some may say on purpose to hide the opening hours, and is not in the public domain. Please note that the date of the notice is 5 January 2022 and has been pinned elsewhere before appearing on the outside of the premises in the last few days.

I wish to object to this application on the grounds of the opening hours which are very odd indeed and will cause noise and nuisance to residents above and immediately near to the premises:

Premises open to the public hours 1200-0500 Sunday to Saturday (7 days a week)

Late Night Refreshment hours 2300-0500hrs Sunday to Saturday (7 days a week)

These hours are confused and need addressing with the Trader as the Premises opening hours appears to be open from 1200 midday to 0500hrs the following day and the Late Night opening hours 2300hrs to 0500hrs which amounts to all night and all day both of which are just unacceptable in this trading area.

These trading hours do not fit in this area as they are outside of normal Trading Hours within the local shopping parade. This in itself implies that there would be noise and nuisance to local residents with vehicles coming to and from the premises during all times of the day and night which is totally unacceptable. This area is a Residential area where people do not congregate or require deliveries on a basis of 24 hours 7 days a week, it is quite clear that to open this shop with those hours, 7 days a week, would bring anti-social behaviour from outside the area to this residential area.

There is no need for this business to operate outside of normal trading hours and indeed all shops in this parade all close between 9.30pm and midnight. Any business who wishes to operate outside of those hours are encouraging the wrong people to a local residential housing area which is unnecessary and will impact on residents with noise and nuisance, especially those who are in the immediate vicinity and directly above the premises. There is also Elderly Supported Accommodation (Bamfylde Place) directly opposite and these trading hours would impact too on the residents immensely as it is directly opposite their accommodation.

There is also already considerable nuisance at this part of the parade whereby vehicles block and park on the pavement making it dangerous for people walking along the pavement area due to delivery and collection of take aways and both traders and customers already park dangerously. By allowing the Trader to open 24/7 this would impact the situation further.

To allow this application to progress with the current hours would impact the area with disturbance to the residents and there is no need to have premises open for these hours as it is a residential area and no other Trader has been granted licences to accommodate such hours. I suggest the Trader should work with the community and respect the local people and open his premises with suitable trading hours which open somewhere between 0800am and close no later than 10.00pm which would fit with the current trading situation in the parade of shops.

Please note that there are a number of residents who are objecting to this potential Traders hours of business and the matter has also been raised with local Councillors for the area.

I hope that this Trader and Licensing Committee listens to the Community in regards to the above.

Regards

From:

Sent: 19 January 2022 11:51

To: Licensing

Subject: Sprinkles, Thornbridge Ave, Perry Barr

Good morning.

I have been in correspondence with your department regarding the above premises where I was concerned regarding the proposed late night opening of the above.

I am objecting to the licence on the grounds below.

1) The premises is in a row of shops, each with a flat above and the hours proposed could disturb the residents sleep.

2) There are at least 4 premises who sell food, this application may encourage some to apply for similar licences thus increasing the amount of foot and vehicular traffic in the area at night.

Kind regards

From:

Sent: 19 January 2022 13:06

To: Licensing

Subject: Licence Application: 123764 Sprinkles Dessert Lounge, Thornbridge Avenue B42

FOR THE ATTENTION OF BHAPINDER NANDHRA - SENIOR LICENSING OFFICER

Thank you for your email highlighting the specifics of representation.

I am writing to submit a valid representation objecting to the Licence Application 123764 Sprinkles Dessert Lounge - Licensable Activity and trading times of Late night refreshment opening hours 23pm - 5am!! Monday to Sunday!! before 1 February 2022.

The reason for the objection is as follows:

The Takeaways that we have around here at present all close at 11pm not open at 11pm! The late-night opening hours are completely inappropriate on a residential estate, especially where there are residents living above the shops and an Old People's Complex across the road with over 55 living.

Noise disturbance and disruption for residents.

Parking problems for residents in an area already having parking issues.

Extra litter in an area where litter is already an issue and strewn everywhere as there are not enough wastebins.

The all night opening hours could encourage possible gatherings and anti-social behaviour in an area that already has its fair share of issues.

A Dessert Lounge is a great idea but there is no need whatsoever for it to open so late at night, all through the night till the early hours. Just inappropriate for the area.

Hopefully, future Licensing Applications will be properly scrutinised before being processed. Again, we can but hope.

regards

From:

Sent: 26 January 2022 14:55

To: Licensing

Subject: Re: Application # 123764 under the Licensing Act 2003 "Sprinkles Dessert Lounge"

We are writing to express in the strongest possible terms our objection to the above application for new premises in Thornbridge Avenue that are proposing to open not only during the day but additionally from 23.00 - 5.00 hours for 7 days a week from Monday to Sunday.

Thornbridge Avenue is a residential area including accommodation above the present retail outlets and sheltered accommodation opposite, and the proposed premises will only add to the increased traffic and noise we currently experience. We already have problems with anti-social behaviour and litter and were truly horrified to learn that this establishment is proposing to extend its opening hours to be open not only during the day but also from **23.00 - 5.00 hours every day of the week.**

For these reasons and the fact that the proposed extended opening hours will have such an adverse effect on the lives of local residents, we earnestly request that you reject this application.

Thornbridge Avenue
Great Barr
Birmingham B42

From:

Sent: 24 January 2022 18:43

To: Licensing

Subject: Sprinkles Thornbrigde Ave Great Barr Birmingham B42

I would like to raise my concern over the application for the above food outlet opening 23.00 to 05.00.

The premises are on a residential street directly opposite an older person's complex and people living over the top too.

The noise from cars coming and going would be a noise nuisance and the possibility of people congregating inside and outside would be too.

There is limited parking outside the front of the premises leading to parking problems for local residents or the grass verges nearby being destroyed.

I'm also concerned about there being an increase in litter, something myself and other volunteer litter pickers battle against already from the number of other food outlets in the area.

Please take all my points into account when making your decision

Thank you

Castleton Road
Great Barr
Birmingham
B42

From:
Sent: 27 January 2022 17:22
To: Licensing
Subject: Sprinkles Dessert, Thornbridge Avenue - overnight licence application
Importance: High

Hello

We would like to raise an objection for the overnight license application by Sprinkles Dessert on Thornbridge Avenue

The reasons for this are:

- all-night dessert shop will attract anti-social behaviour
- causing problems to the local residential community here
- There are residential flats above the shops and the noise of an all-night dessert shop could cause an issue for them
- There are also Pensioners bungalows/apartments directly opposite the shop and again we don't feel all night opening is appropriate for the area
- This is quite a quiet road once the pub has closed as all of the eating establishments are take away only and close at midnight, however with a premises staying open all night, it is obvious this will attract people/youths in their cars etc. It is already an area that people don't feel safe to walk around on their own and this will just add to their fears.
- There is a parking area at the corner and if you wander down there late at night now there are gangs in their cars, having somewhere to go all night will only encourage them to stay longer
- There are additional concerns that the establishment will apply for an alcohol licence in the future.

Kind Regards

From:

Date: Mon, 31 Jan 2022, 20:56

Subject: Sprinkles, Thornbridge Ave, Great Barr B42 - opening hours

To: <licensing

Good evening,

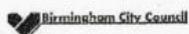
I am aware from our local Councillor Jon Hunt that the above premises have applied for a licence that will enable them to be open from midday until 5am?! As a premises that will be selling ice creams, waffles etc why do they need to be open during these hours?

As a resident of the Beeches Estate for over 20 years, I DO NOT believe that this would be good for the area. It is a residential area with flats above the shops themselves where Sprinkles is located & also sheltered accommodation across the road. Has any consideration been given to the impact that this will have on those properties and residents.

Appreciating that they are not currently asking for an alcohol licence this is not to say that they won't in the future.

By being open between 11pm - 5am this has the potential to attract others to the area that could cause anti social behaviour, littering, & an increase in crime.

I would like to make representation that I do not believe that by allowing this business to be open at such unsociable hours will be beneficial to our area.



Birmingham
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

System reference This is the unique reference for this application generated by the system.

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

Are you an agent acting on behalf of the applicant?
 Yes No Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

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

Applicant Business

Is your business registered in the UK with Companies House? Yes No Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If your business is registered, use its registered name.
 Put "none" if you are not registered for VAT.

VAT number

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

PRIVATE LIMITED COMPANY

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth

* 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.

This premises is a Dessert Shop and Cafe

Continued from previous page...

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

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

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

See guidance on regulated entertainment

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

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Standard Days And Timings

MONDAY

Start

End

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.

Solely for the provision of hot beverages such as Coffee and Tea and food products that fall within the definition of a Dessert.
None of these items will contain alcohol.

State any seasonal variations

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

There will be no seasonal variations.

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

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

The premises will not have a non-standard timings on any particular day.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

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

Continued from previous page...

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

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

There will be no adult entertainment taking place on the premises

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

Continued from previous page...

There will be no seasonal variations to the timings above

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.

I do not intend for the premises to be open to the members and guests at different times from those listed in the columns above.

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.

I will implement the licensing objectives in the Company policy and ensure all staff members are trained in observing and executing the objectives correctly

b) The prevention of crime and disorder

Anyone engaging in truancy will be politely asked to leave, anyone engaged/suspected to be engaging in criminal activity will be reported to the police immediately.
Crowds of individuals will not be permitted on the premises as it is a family oriented venue.

c) Public safety

Only individuals who make a purchase will be allowed on the premises to consume the food purchased.
Any suspicious individual will be watched by the members of staff.
If the actions of any individual reasonably appears to put, or will put customers at risk, they will be politely asked to leave.
Depending on the gravity of the situation the police will be called.

d) The prevention of public nuisance

A loud individual/group will be politely and respectfully asked to reduce their noise if it is a nuisance to the public.
Anyone seen acting in such a way that it would be considered a nuisance to the public will be politely asked to leave if they are persistent in their actions.

e) The protection of children from harm

Staff will keep an eye out for any children that enter the premises and staff will be particularly trained to focus on those that enter and appear to be distressed.
If any situation arises that appears to be putting a child at risk, the police will be immediately called.
If the situation is difficult to gauge, management will be informed and based on further assessment the police will be called.

Continued from previous page...

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

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

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

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

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

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

| | |
|-------------------------------|--------------------|
| Building number or name | 75 |
| Street | THORNBRIDGE AVENUE |
| District | |
| City or town | BIRMINGHAM |
| County or administrative area | WEST MIDLANDS |
| Postcode | B42 2PW |
| Country | United Kingdom |

DECLARATION

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

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

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

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

| | |
|-------------------|----------|
| * Full name | |
| * Capacity | Director |
| Date (dd/mm/yyyy) | 04-01-22 |

Add another signatory

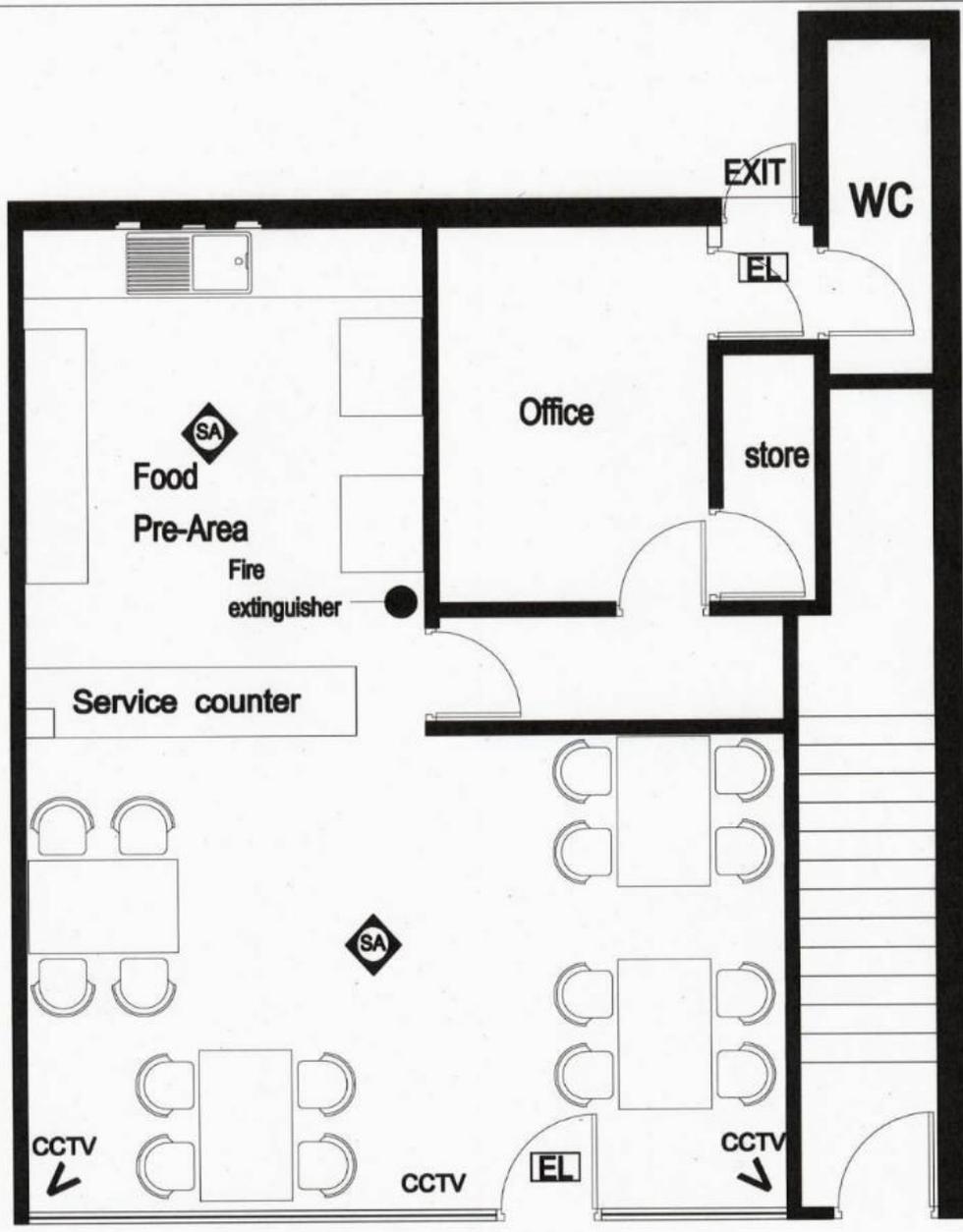
Once you're finished you need to do the following:

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.

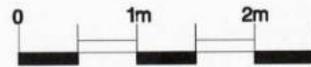
Don't forget to make sure you have all your supporting documentation to hand.

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



Existing Ground Floor plan



Emergency light



Smoke Alarm
Location of main wired interlinked smoke detector alarm

| | | |
|------------------|---------------------|---|
| Applicant | | |
| Premises address | 75 THORNBRIDGE ROAD | |
| Title: | Floor Plan | |
| Date: | 02.12.11 | Drawn by: Weheed Khan (FRSA) Chartered Architect |
| Scale: | 1:50 - A4 | |

