

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee B</b>
<b>Report of:</b>	<b>Acting Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Tuesday 18<sup>th</sup> April 2017</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Grant</b>
<b>Premises:</b>	<b>Classic Fish Bar &amp; Kebab House, 319 Wyndhurst Road, Stechford, Birmingham, B33 9DL</b>
<b>Ward affected:</b>	<b>Stechford and Yardley North</b>
<b>Contact Officer:</b>	<b>David Kennedy, Principal Licensing Officer, 0121 303 9896, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

<b>1. Purpose of report:</b>
<p>To consider a relevant representation that has been made in respect of an application for a Premises Licence which seeks to permit the provision of late night refreshment, for consumption on and off the premises, to operate from 11:00pm until 12:00midnight (Sunday to Thursday) and 11:00pm until 01:00am (Friday &amp; Saturday).</p> <p>Premises to remain open to the public from 11:30am until 12:00midnight (Sunday to Thursday) and 11:30am until 01:00am (Friday &amp; Saturday).</p>

<b>2. Recommendation:</b>
<p>To consider the representation that has been made and to determine the application.</p>

<b>3. Brief Summary of Report:</b>
<p>An application for a Premises Licence was received on 17<sup>th</sup> February 2017 in respect of Classic Fish Bar &amp; Kebab House, 319 Wyndhurst Road, Stechford, Birmingham, B33 9DL.</p> <p>A representation has been received from other persons.</p>

<b>4. Compliance Issues:</b>
<b>4.1 Consistency with relevant Council Policies, Plans or Strategies:</b>
<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>

<p><b>5. Relevant background/chronology of key events:</b></p> <p>Ahmed Mir applied on 17<sup>th</sup> February 2017 for the grant of a Premises Licence for Classic Fish Bar &amp; Kebab House, 319 Wyndhurst Road, Stechford, Birmingham, B33 9DL.</p> <p>A representation has been received from other persons. See Appendix 1.</p> <p>The application is attached at Appendix 2.</p> <p>Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 3.</p> <p>Site Location Plans at Appendix 4.</p> <p>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:-</p> <ul style="list-style-type: none"> <li>a. The prevention of crime and disorder;</li> <li>b. Public safety;</li> <li>c. The prevention of public nuisance; and</li> <li>d. The protection of children from harm.</li> </ul>
<p><b>6. List of background documents:</b></p> <p>Copy of the representation as detailed in Appendix 1</p> <p>Application Form, Appendix 2</p> <p>Conditions agreed with West Midlands Police, Appendix 3</p> <p>Site Location Plans, Appendix 4</p>
<p><b>7. Options available</b></p> <p>To Grant the licence in accordance with the application.</p> <p>To Reject the application.</p> <p>To Grant the licence subject to conditions modified to such an extent as considered appropriate.</p>

## Appendix 1

Entered *N*

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**From:**  
**Sent:** 07 March 2017 18:14  
**To:** Licensing  
**Subject:** Licensing Application No. 100747 – Mr Ahmed Ayaz Mir

Wyndhurst Road  
Stechford  
Birmingham

B33

7 March 2017

Dear Sir Madam

Your Ref: **Licensing Application No. 100747 – Mr Ahmed Ayaz Mir**  
Classic Fish Bar & Kebab Takeaway, 319 Wyndhurst Road, Stechford

I wish to submit a formal objection to the above licensing application submitted by Mr Mir to extend the operating hours of the Classic Fish Bar & Kebab Takeaway located on 319 Wyndhurst Road, Stechford, Birmingham.

The Public Register/Licensing report shows his application was first submitted on 17 February 2017. My objection, as dated above, falls within the 28 day deadline during which to raise a formal objection to this application.

I am objecting with regard to the 'Nuisance' conditions set out in the application as follows:

***1. The Premises Licence Holder shall ensure that the doors of the premises will be kept closed to reduce any noise or smell nuisance from occurring in the licensable hours***

With regard to this condition, I am not satisfied that the requirement for the doors to be kept closed during licensable hours adequately safeguards residents from the noise/smell nuisance generated from this business in the longer term.

This condition fails to set out what measures the business is expected to adopt during the summer months for example, when the shop doors may well be open due to warmer weather. I would like this condition clarified further, particularly if the business is expected to adhere to this condition all year round. It's not clear how this condition would be enforced or policed and would any failure to keep the doors closed at all times during

licensable hours immediately constitute a breach of the condition terms and invalidate the license?

I live in very close proximity to this shop (i.e.        houses down) and have already raised concerns with one an Environmental Health representative about the noise that currently comes from the two huge extractor fans situated at the rear of the building. I sleep in the bedroom at the back of my house and I have to keep my windows closed if I want to go to bed any time before 11.00pm due to the disruptive and invasive noise. I don't think it's fair or acceptable to further extend the operating hours until midnight and allow this business to cause further noise nuisance and annoyance to local residents.

*2. The Premises Licence Holder shall ensure that employees and customer are encouraged to leave the premises without causing any nuisance to the neighbours.*

With regard to this condition, there is a serious issue with litter originating directly from this business and I have complained on a number of occasions to the Council and more recently to my local Councillor (Carol Jones) about this. I am not convinced that the business do or have ever actively 'encouraged' their customers to use the two bins situated directly outside the shop and the amount of discarded chip papers that end up on my driveway (        houses down) is testament to this.

Carol Jones MP escalated my concerns directly with Andy McCoy (BCC Fleet & Waste Management) on 1 February 2017 and received an email response from him confirming the following:

*'...the bins and shop front are done by the ward crew on a Wednesday and the constituency crew do the bins and shop front on a Monday and Friday...'*

The footfall to this business increases significantly over a weekend. Therefore, and assuming that the two crews do actually clear litter from the shop front on the days specified in Andy's email, the bulk of the 'weekend' litter is not cleared until a Monday. Consequently, anything that's not put in the bins provided over a weekend invariably ends up on mine and my neighbours' property or further down the street. Whilst I accept not all litter on the street comes from this business, there can be no doubt as to the origin of the chip wrappers and it angers me that I have to regularly clear my drive of this rubbish, which causes a nuisance to me and fellow residents.

I would ask that the seriousness of the litter problem is taking into consideration when reviewing this licensing application. Whilst I appreciate Mr Mir can't be held entirely accountable for the disrespectful actions of his customers when they leave his shop, he should however be made to accept some responsibility for clearing up litter directly generated from his business. It's not unreasonable to expect a takeaway business situated in a residential area to take responsibility for this and I use MacDonalds (situated on the Stechford Retail Park) as an example. After making numerous complaints to MacDonalds about their takeaway wrappers littering the street, they duly acknowledged the concerns.

raised. They also adopted a responsible and respectful approach and sent members of their own staff out to collect MacDonalds litter discarded around the restaurant and in surrounding streets. If a global business such as MacDonalds is prepared to shoulder some responsibility for litter management in this area, I can see no reason why similar accountability conditions can't be specified in relation to Mr Mir's license application.

I don't think it's unreasonable, by way of a more detailed condition, to stipulate that all takeaway businesses are held accountable and responsible in some way for controlling and managing litter. In the case of Mr Mir's licence application, I would like to see measures put in place that require him to monitor and control litter around his shop, working in partnership with the Council waste collection crews.

This business not only generates excessive and unsightly litter, noise and smells but there is also a further consideration in terms of their customers parking across dropped kerb drive ways and disabled parking spaces when going to the shop. It's not just a serious problem for me but also other residents who live close to the business and I fear this will get even worse if the application to extend operating hours is approved.

I hope the Licensing Section will give due consideration to the points raised in this letter and my reasons for objecting to Mr Mir's licensing application. I have lived on Wyndhurst Road for 26 years and there has always been a chip shop at the end of the street, albeit run by a different owner operating reasonable and sensible opening times. Street litter from the chip shop was never an issue in all that time and has only become a large-scale nuisance since the shop came under Mr Mir's ownership and opening hours were extended.

I look forward to hearing from you in due course. Please feel free to contact me via email at

Yours sincerely

## Appendix 2

100747  
17/2/17 - 17/3/17

Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES

### Application for a premises licence to be granted under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

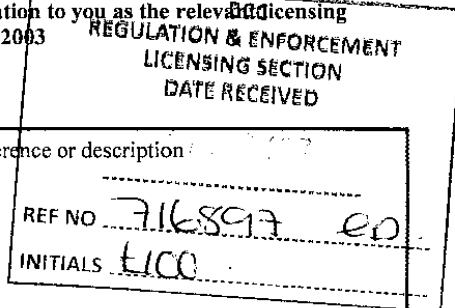
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

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

I/we **AHMED AYAZ MIR**

(Insert name(s) of applicant)

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



#### Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description <b>CLASSIC FISH BAR &amp; KEBAB HOUSE</b> 319 WYNDHURST ROAD STECHFORD			
<b>Post town</b>	<b>BIRMINGHAM</b>	<b>Postcode</b>	<b>B33 9DL</b>

Telephone number at premises (if any)	
Non-domestic rateable value of premises	<b>£2,375.00</b>

#### Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |   |   |
|---|---|
| a) an individual or individuals *               | <input checked="" type="checkbox"/> please complete section (A) |
| b) a person other than an individual *          |   |
| i. as a limited company                         | <input type="checkbox"/> please complete section (B)            |
| ii. as a partnership                            | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association or        | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B)            |
| c) a recognised club                            | <input type="checkbox"/> please complete section (B)            |

- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

**\* If you are applying as a person described in (a) or (b) please confirm:**

Please tick yes

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname MIR			First names AHMED AYAZ		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)



### **Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
1	5	02 2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

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

THE PREMISES IS SITUATED ON 319 WYNDHURST ROAD IN STECHFORD. THE LICENSABLE ACTIVITY IS THE PROVISION OF LATE NIGHT REFRESHMENTS. THE PREMISES IS ACCESSED VIA A FORECOURT AND THE ENTRANCE LEADS INTO THE SHOP AREA OF THE PREMISES WHERE THE LICENSABLE ACTIVITY WILL TAKE PLACE. THE CUSTOMER SERVICE COUNTER IS SITUATED ON THE LEFT OF THE ENTRANCE AND THE KITCHEN IS AT THE REAR OF THE PREMISES. THE LICENSABLE ACTIVITY IS TO TAKE PLACE ON THE GROUND FLOOR OF THE PREMISES.

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

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

☒

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

☐

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

## B

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

# C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Wed			
Thur			
Fri			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Sat			
Sun			

# D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)			
Wed			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)			
Thur						
Fri						
Sat						
Sun						

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed					
Thur					
			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat					
Sun					

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)			
Mon						
Tue						
Wed			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)			
Thur						
Fri						
Sat			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Sun						

## G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)			
Mon						
Tue						
			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)			
Wed						
Thur						
			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Fri						
Sat						
Sun						



## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b>Please give further details here</b> (please read guidance note 3)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)		
Fri					
Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun					

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3) <b>THE PROVISION OF LATE NIGHT REFRESHMENTS FOR CONSUMPTION ON OR OFF THE PREMISES</b>		
Mon	23:00	00:00			
Tue	23:00	00:00			
Wed	23:00	00:00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	23:00	00:00			
Fri	23:00	01:00			
Sat	23:00	01:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun	23:00	00:00			

# J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

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

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8).

THERE ARE NO ACTIVITIES PROVIDED THAT MAY GIVE RISE TO CONCERN IN RESPECT OF CHILDREN. THE LICENSABLE ACTIVITY IS THE PROVISION OF LATE NIGHT REFRESHMENTS. THE MAIN BUSINESS IS THE PROVISION OF FOOD FOR CONSUMPTION ON OR OFF THE PREMISES.

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	11:30	00:00	
Tue	11:30	00:00	
Wed	11:30	00:00	
Thur	11:30	00:00	
Fri	11:30	01:00	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)
Sat	11:30	01:00	
Sun	11:30	00:00	

## M

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

THE LICENCE HOLDER WILL TAKE ALL THE NECESSARY STEPS REQUIRED IN PURSUANCE OF THE LICENSING OBJECTIVES UNDER THE LICENSING ACT 2003 TOGETHER WITH THERE OBLIGATIONS UNDER ANY OTHER LEGISLATION.

**b) The prevention of crime and disorder**

THE PREMISES IS USED FOR THE PROVISION OF HOT FOOD TO THE PUBLIC AND THE LICENCE HOLDER WILL NOT TOLERATE ANY MISUSE OF THE PREMISES FOR THE FURTHERANCE OF ANY CRIMINAL ACTIVITY AND WILL BE IN LIAISON WITH THE POLICE AUTHORITY SHOULD ANY PROBLEMS ARISE. CCTV HAS BEEN INSTALLED ON THE PREMISES.

**c) Public safety**

THE LICENCE HOLDER WILL ENSURE THAT ALL REQUIREMENTS IN FURTHERANCE OF PUBLIC SAFETY ARE COMPLIED WITH. ALL FIRE EXITS ARE CLEARLY LABELLED WITH EMERGENCY LIGHTING FITTED. ALL FIRE FIGHTING EQUIPMENT WILL BE CORRECTLY MARKED AND ITS LOCATION WILL BE PUBLICISED. SMOKE AND HEAT DETECTORS ARE ALSO FITTED IN THE PREMISES

**d) The prevention of public nuisance**

THE DOORS OF THE PREMISES WILL BE KEPT CLOSED TO REDUCE ANY NOISE OR SMELL NUISANCE FROM OCCURRING IN THE LICENSABLE HOURS. EMPLOYEES AND CUSTOMERS WILL BE ENCOURAGED TO LEAVE THE PREMISES WITHOUT CAUSING ANY NUISANCE TO THE NEIGHBOURS.

**e) The protection of children from harm**

THE PREMISES IS A FAST FOOD TAKEAWAY AND THE LICENSABLE ACTIVITY IS THE PROVISION OF LATE NIGHT REFRESHMENTS. THE LICENCE HOLDER WILL TAKE ALL STEPS NECESSARY TO ENSURE THAT CHILDREN ATTENDING THE PREMISES ARE PROTECTED FROM HARM.

**Checklist:****Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☐
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 11).  
**If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	15 <sup>th</sup> February 2017
Capacity	SOLICITOR FOR THE APPLICANT

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)  
 JR JONES SOLICITORS  
 614 STRATFORD ROAD  
 SPARKHILL

Post town	<b>BIRMINGHAM</b>	Postcode	<b>B11 4AP</b>
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

## Notes for Guidance

1. Describe 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.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please 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.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please 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 or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.





## Appendix 3

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**From:** bw licensing  
**Sent:** 28 February 2017 09:03  
**To:** Licensing  
**Cc:**  
**Subject:** Classic Fish Bar & Kebab House - 319 Windhurst Rd, Stechford. B33 9DL

Dear Licensing,

With regard to the premises licence application for Classic Fish Bar & Kebab House – 319 Windhurst Road, Stechford. B33 9DL.

West Midlands Police have reviewed this application and are happy that if the below conditions are added to the licence application then the licensing objectives will be met and promoted.

The below conditions have been agreed with the applicant via their solicitor, as per below email who is copied into this email as acceptance.

If these below conditions are imposed onto the licence then West Midlands police have no objection to this application.

- All staff training regarding the Licensing Act and licensing responsibilities will be documented and signed by both the trainer and trainee. This documentation to made available to any of the responsible authorities immediately on request.
- CCTV will be downloadable and all recorded / downloaded images will be made immediately available to any of the responsible authorities on request. CCTV will record throughout the whole of the licence activity. Recordings will be held for a minimum of 28 days. There will be at least 1 camera on the external of the premises covering the shop frontage and entrance / exit door. Lighting will be maintained on the external of the premises to ensure clear CCTV footage.
- CCTV signage will be displayed prominently on the front of the premises.
- No alcohol allowed on the premises in open containers and no alcohol to be consumed on the premises.
- No children under 16 years of age will be served / allowed on the premises after 22.00hrs unless accompanied by a responsible adult. Staff will not be left in sole charge of any child.

Many thanks

Regards

**Chris Jones 55410**  
Birmingham Central Licensing Team

West Midlands Police HQ  
Lloyd House  
Colmore Circus  
Birmingham  
B4 6NQ

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**From:** Muzir Waheed  
**Sent:** 27 February 2017 10:20  
**To:** bw licensing  
**Subject:** RE: Classic Fish Bar & Kebab House - 319 Windhurst Rd, Stechford. B33 9DL

Good Morning Mr Jones

I have spoken to my client and he has no objections to the proposed conditions being attached to the Licence for 319 Wyndhurst Road. His only concern is in relation to the staff training and he has asked if he can be given any guidance on where he can get the training from. If you can let us know I can forward the details onto him.

Kind Regards  
Muzir Waheed  
**J. R. Jones Solicitors**

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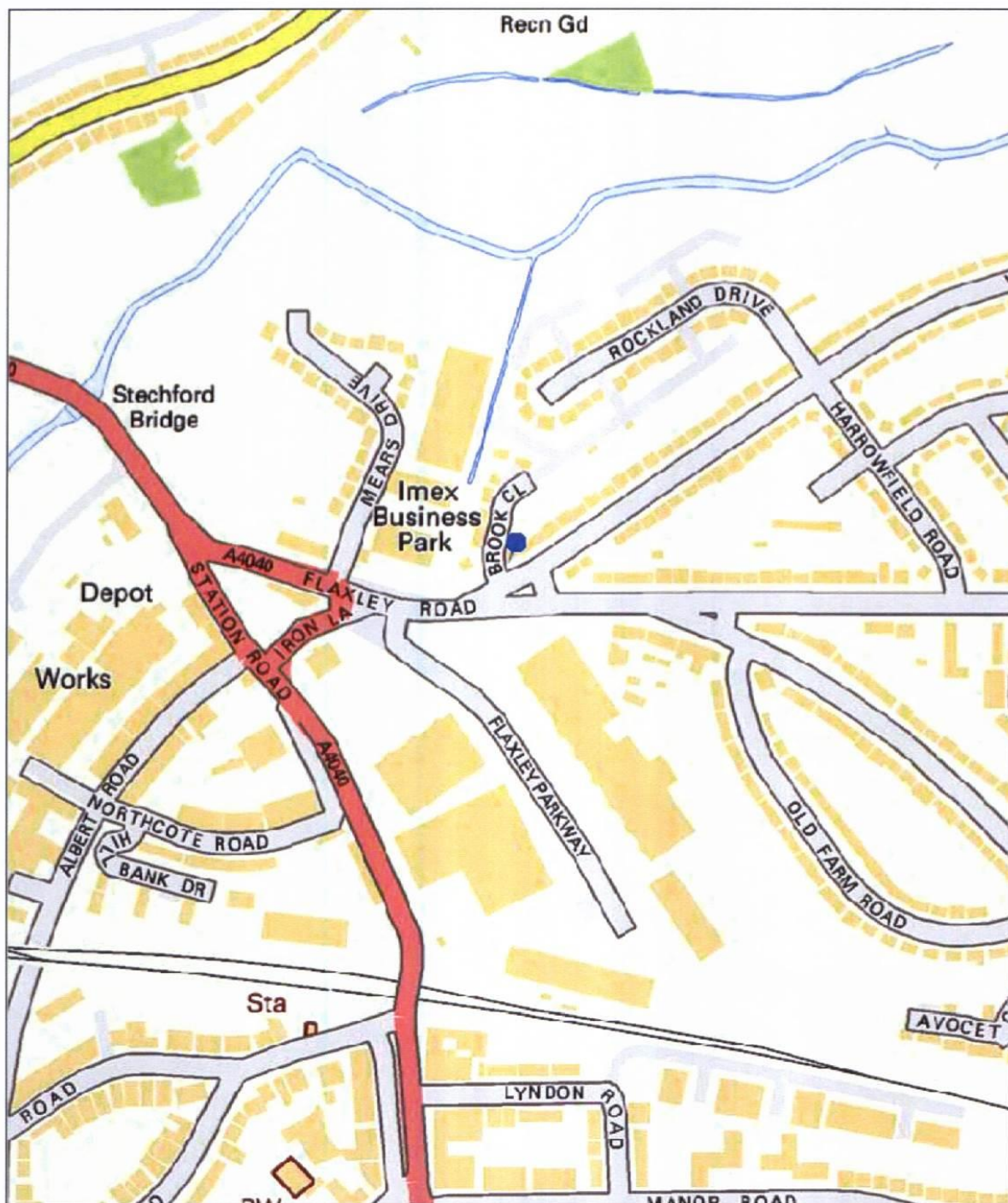
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## Appendix 4



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Notes

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Scale:  
 1:4,000





Map Created By:

Notes

Date of Map Creation: 16/03/2017



Scale:  
1:1,250

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