BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Acting Director of Regulation &
_	Enforcement
Date of Meeting:	Tuesday 25 th April 2017
Subject:	Licensing Act 2003
	Premises Licence – Grant
Premises:	Jar Grocery, 1 Olton Boulevard East, Acocks
	Green, Birmingham, B27 7RR
Ward affected:	Acocks Green
Contact Officer:	David Kennedy, Principal Licensing Officer,
	0121 303 6920, licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption off the premises) to operate from 8:00am until 9:00pm (Monday to Sunday).

Premises to remain open to the public from 8:00am until 9:00pm (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 3rd March 2017 in respect of Jar Grocery, 1 Olton Boulevard East, Acocks Green, Birmingham, B27 7RR.

Representations have been received from other persons.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

Ireneusz Wnorowski applied on 3rd March 2017 for the grant of a Premises Licence for Jar Grocery, 1 Olton Boulevard East, Acocks Green, Birmingham, B27 7RR.

Representations have been received from other persons, which are attached at Appendices 1-3.

The application is attached at Appendix 4.

Site Location Plans at Appendix 5.

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

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

6. List of background documents:

Copy of the representations as detailed in Appendices 1-3 Application Form, Appendix 4 Site Location Plans, Appendix 5

7. Options available

To Grant the licence in accordance with the application.

To Reject the application.

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

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

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

Properties Management Shaftmore lane B27 Birmingham

Licensing Section Crystal Court Aston Business Park 50 Rocky Lane Birmingham B6 5RQ

27/03/2017

Dear Sir/Madam

Application number: 100902

MR IRENEUSZ WNOROWSKI, 1 BOLTON BOULEVARD EAST, B27 7RR T/A JAR GROCERY.

I am writing to object to the licensing application (reference above) that we have been made aware of recently.

We are a company who are managing a number of properties in this area and have numerous tenants both residential and commercial and we feel that we are able to object with a clear and relevant perspective. We have found it increasingly difficult to attract tenants, particularly residential in recent times.

I am writing to register my objection to the granting of a alcohol licence for this location.

The grounds of our objection are based on the fact that we have witnessed a considerable decline in the area in factors that granting of this licence will exacerbate.

The level of crime and disorder appears to have increased in recent years and this has been determinantal to public safety for example.

We feel that further establishment providing alcohol sales in not required in a area which has enough outlets already offering a wide range of alcohol sales.

The risk of an increase in crime and disorder along with risk to public safety and public nuisance is not a risk that is worth taking or indeed required.

with the current concerns about the abuse and damage that availability of low cost alcohol is contribution to I would urge you to refuse this application

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED

Your Sincerely

REF NO EMBLES &

Licensing Section Crystal Court Aston Business Park 50 Rocky Lane Birmingham 86 5RQ

> Bolton boulevard east Birmingham B27

> > 25th March 2017

Dear Sirs,

Application number: 100902

Re: MR IRENEUSZ WNOROWSKI, 1 BOLTON BOULEVARD EAST, B27 7RR T/A JAR GROCERY.

I am writing to register my objection to the application for a premises license by MR IRENEUSZ WNOROWSKI, 1 BOLTON BOULEVARD EAST, B27 7RR T/A JAR GROCERY. The basis for this opposition is that granting a license for these premises will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behavior.

1 bolton boulevard east lies within the Council's Cumulative Impact Area, and enabling the premises to sell alcohol would be totally detrimental to its aims and objectives. The application proposes that alcohol will be sold for consumption off the premises between 8:00am and 9.00pm, seven days a week. Granting a license would provide a further source of alcohol within an area already so heavily populated with licensed premises that crime, disorder and public nuisance have already reached problem levels for the local police. Residents in this area already suffer noise nuisance and antisocial behavior at all hours of the day and night. They have endured this inconvenience since 2003 when the licensing legislation was first amended, and it is totally unacceptable to expect them to continue to do so.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,

REGULATION & ENFORCEMENT
LICENSING SECTION
DATE RECEIVED
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BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED
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REF NO ENTENED BY
INITIALS

Shaftmore Lane

B27

Acocks Green

Licensing Section

Crystal Court

Aston Business Park

50 Rocky Lane

Birmingham

B6 5RQ

27th March 2017

Dear Licensing Department

Re: MR IRENEUSZ WNOROWSKI, 1 BOLTON BOULEVARD EAST, B27 7RR T/A JAR GROCERY (100902)

This is an objection in reference to the new application by MR IRENEUSZ WNOROWSKI, 1 BOLTON BOULEVARD EAST, B27 7RR T/A JAR GROCERY (100902) to sell alcohol between the hours of 8am and 9pm, Sunday to Saturday (7 days a week).

In addition to the points already raised against the original application we would like to raise the following concerns by way of formal objection.

1. Concentration of Licensed Outlets.

- There are 1 public houses on Bolton Boulevard east in close proximity to the proposed site.
- There are 6 shops selling alcohol in close proximity to the proposed site.
- In addition to above there are few restaurants with alcohol licences.

After leaving local restaurants late at night the concern is that people will be drawn into the residential and conservation area on and off Bolton Boulevard East, where Jar Grocery would be located, for the further purchase of alcohol and other items. There is also potential overspill from events such as weddings and parties that take place in Church Hall.

The addition of another outlet selling alcohol in this location, which is a conservation area and bounded children's nurseries and the Church Hall which hosts weekly regular young children's events, is inappropriate during daylight hours and after dark adds to concerns about breaches of the peace increasing in and around the park near by the site.

Crime and Disorder.

24 hour opening and an alcohol licence will draw unwelcome attention and increased footfall at unsociable hours to a residential and conservation area.

Noise, public nuisance, anti-social behaviour, low-level nuisance (non reportable crime inc. shouting, swearing, urination in public, littering) will be increased.

The site is adjacent to Park. Historically there have been vagrants sleeping in the park and incidents of regular gatherings of youths drinking alcohol and causing disturbances. Police attention to this issue has largely cured this, however, the site is acknowledged by the Police to be of concern.

3. The Protection of Children From Harm.

The licence conflicts with the amenities available to children in the area, putting them at risk from anti-social behaviour, increased littering, rodent and fox infestations, exposure to the marketing and sale of alcohol and cigarettes, increased potential for road traffic incidents.

- There are 1 nurseries and school adjacent to the site.
- Park is a green space to enjoy, for children to play in and to walk dogs.

Thank you for taking the time to seriously consider these objections.

Yours Sincerely,

100902 3/3/17 -31/3/17

[Insert name and address of relevant licensing authority and its reference number (optional).]

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.

apply Part 1 autho	Insert for a belov rity in	EUSZ WNOROWSKI name(s) of applicant) premises licence under section 17 v (the premises) and I/we are mal accordance with section 12 of the	king this a	application	to you as the re	remises described in elevant licensing
Postal address of premises or, if none, ordnance survey JAR GROCERY 1 OLTON BOULEVARD ACOCKS GREEN				REG	BCC SULATION & EN LICENSING SI DATE RECE	ECTION
Post t	own	BIRMINGHAM		REF NO	Postcode	B27 7RR (1900
				INITIALS.	ters to	syment
		umber at premises (if any)	<u> </u>			
Non-d	lomest	ic rateable value of premises	£8,800			
		licant Details whether you are applying for a pret	mises licer		ck as appropriate	:
a)	an in	dividual or individuals *		\boxtimes	please comple	ete section (A)
b)	a per	son other than an individual *				
	i.	as a limited company			please comple	ete section (B)
	ii.	as a partnership			please comple	ete section (B)
	ii. iii.	as a partnership as an unincorporated association of	11		•	ete section (B) ete section (B)

c)	a recognised club					please comp	lete section (B)	
d)	a charity					please comp	lete section (B)	
e)	the proprietor of an e	ducationa'	l establishme	nt		please comp	lete section (B)	
f)	a health service body	,				please comp	lete section (B)	
g)	a person who is regis Standards Act 2000 (hospital in Wales					please comp	lete 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 comp	lete section (B)	
h)	the chief officer of po and Wales	olice of a p	olice force in	ı England		please compl	lete section (B)	
* If yo	ou are applying as a per	rson descr	ibed in (a) or	(b) please c	onfirm	:		
Please	tick yes							
licensa	arrying on or proposing			s which invo	lyes the	e use of the pr	emises for	\boxtimes
1 2111 111	naking the application partition or a function discharged	-		sty's prerog	ative			
(A) IN	DIVIDUAL APPLIC	'ANTS (fi	ll in as applic	:able)				
Mr	Mrs 🗌	Miss		Ms 🗌		r Title (for ple, Rev)		
Surnar	me ROWSKI			First nan				
1 am 18	l am 18 years old or over Please tick yes							
	yours ord or over					<u> </u>	se tick yes	
	t postal address if					⊠ rtea	se tick yes	
differer	t postal address if nt from premises s					Postcode	se tick yes	
differer address Post to	t postal address if nt from premises s	ıumber					se tick yes	

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr 🗌	Mrs 🗌	Miss 🗌	Ì	Ms 🗌		r Title (1 iple, Rev				
Surname				First na	ames					
Lam 18 years	s old or over						Pleas	e tick y	/es	
Current posta different from address										
Post town						Postcod	le			
Daytime con	tact telephoi	ne number								
E-mail addr (optional)	ess				. <u>-</u>					
(B) OTHER	APPLICAN	TS								
registered n	umber. In th	registered addi the case of a part the name and add	nership o	r other joi	int vent	ure (otl				е апу
Address	F 10 - 10 - 10 - 10 - 10 - 10 - 10 - 10									
Registered n	ımber (where	applicable)								
Description o	of applicant (f	or example, part	nership, co	ompany, w	mincorp	orated a	ssociati	ion etc.)	
Telephone nu	ımber (if any))	·						—- <u></u> _	
E-mail addre	ss (optional)									

Par	t 3 Operating Schedule	
Who	en do you want the premises licence to start?	DD MM YYYY
	ou wish the licence to be valid only for a limited period, when do you t it to end?	DD MM YYYY
·		
	se give a general description of the premises (please read guidance note 1) sh convenience store)
	000 or more people are expected to attend the premises at any one time, se state the number expected to attend.	
Wha	at licensable activities do you intend to carry on from the premises?	
(Ple	ase see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2	to the Licensing Act 2003)
Prov	rision 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)	

Provis	sion of late	night refi	reshment (if ticking yes, fill in box I)		
Suppl	Supply of alcohol (if ticking yes, fill in box J)				
In all	cases comp	plete boxes	s K, L and M		
A					
	Standard days and timings		Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
(please read guidance note 6)			guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 3)	
Tue		-			
lue					
Wed			State any seasonal variations for performing plays (note 4)	please read guid	ance
Thur					
Fri			Non standard timings. Where you intend to use the performance of plays at different times to those liste the left, please list (please read guidance note 5)	premises for the	ie i on
Sat					
Sun					

В

Films Standard days and timings (please read guidance note			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
6)	reau guiu	ance note	note Ej	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further (letails here (please read guidance	note 3)	
		-	·		
Tue					
Wed		/2	State any seasonal variations for the exhibition of fill guidance note 4)	ms (please read	
Thur					
Fri			Non standard timings. Where you intend to use the exhibition of films at different times to those listed in left, please list (please read guidance note 5)	premises for the the column on	e the
Sat					
Sun					

C

Day Start Mon Tue Wed	Finish	
Tue		- - -
Wed		State any seasonal variations for indoor sporting events (please read guidance note 4)
		-
Thur		Non standard timings. Where you intend to use the premises for indo sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri		
Sat		
Sun		

D

Boxing or wrestling entertainments Standard days and timings			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
	read guida		(prease read guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 3)	
Tue					
Wed			State any seasonal variations for boxing or wrestling (please read guidance note 4)	g entertainment	
Thur		:			
Fri			Non standard timings. Where you intend to use the or wrestling entertainment at different times to thos column on the left, please list (please read guidance no	e listed in the	xing
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
6)	rena guna	ince note	Total gardine note 2)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 3)	
Tue		<u> </u>			
				NP	
Wed		<u> </u>	State any seasonal variations for the performance of read guidance note 4)	tive music (plea	ise
Thur		ļ			
Fri		1	Non standard timings. Where you intend to use the	neomicae for th	
rn			performance of live music at different times to those on the left, please list (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)		d timings	Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
		and note	, , , , , , , , , , , , , , , , , , ,	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 3)	
Tue					
Wed			State any seasonal variations for the playing of recorded guidance note 4)	rded music (plea	ase
Thur					
Fri			Non standard timings. Where you intend to use the playing of recorded music at different times to those on the left, please list (please read guidance note 5)		
Sat					
Sun					_

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
, 	,			Outdoors	Ш
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 3)	
Tue					
Wed			State any seasonal variations for the performance of guidance note 4)	f dance (please r	ead
Thur					
Fri			Non standard timings. Where you intend to use the performance of dance at different times to those list the left, please list (please read guidance note 5)		
Sat					
Sun					

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment y	ou will be provi	ding
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance	Indoors	
Mon		ļ	note 2)	Outdoors	
			·	Both	
Tue	J		Please give further details here (please read guidance	note 3)	
Wed					
Thur			State any seasonal variations for entertainment of a to that falling within (e), (f) or (g) (please read guida:		otion
Fri					
Sat			Non standard timings. Where you intend to use the entertainment of a similar description to that falling at different times to those listed in the column on the (please read guidance note 5)	within (e), (f)	or (g)
Sun					

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Late night refreshment Standard days and timings (please read guidance note			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
6)	rend guide	ance note	(piease read guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance	note 3)	**
Tue					,
Wed			State any seasonal variations for the provision of lat (please read guidance note 4)	e night refreshr	nenţ
Thur					
Fri			Non standard timings. Where you intend to use the provision of late night refreshment at different time the column on the left, please list (please read guidant	s, to those listed	
Sat	-				
Sun					

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			·		
Supply of alcohol Standard days and timings (please read guidance note		d timings	Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	
6)	Toda gala	ance note		Off the premises	×
Day	Start	Finish		Both	
Mon	0800	2100	State any seasonal variations for the supply of alcohologuidance note 4)	ol (please read	
Tue	0800	2100			
Wed	0800	2100			
Thur	0800	2100	Non standard timings. Where you intend to use the supply of alcohol at different times to those listed in left, please list (please read guidance note S)	premises for the	<u>he</u>
Fri	0800	2100	,		
Sat	0800	2100			
Sun	0800	2100			

Name IRENEUSZ WNOROWSKI	
Address	
r I	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	•

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).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	0800	2100	
Tue	0800	2100	
Wed	0800	2100	Non standard timings. Where you intend the premises to be open
Thur	0800	2100	public at different times from those listed in the column on the left please list (please read guidance note 5)
Fri	0800	2100	
Sat	0800	2100	
Sun	0800	2100	

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 Designated Premises Supervisor or another qualified person will train any staff at the premises on the basic laws of selling alcohol and on compliance with the conditions on the Premises Licence and a log of this training will be maintained. The training log can be inspected by any Responsible Authority on request

b) The prevention of crime and disorder

Digital CCTV will be installed at the premises to the reasonable satisfaction of the Police. The System must be operational at times when licensable activity is taking place. The system must have an image download capability. All recorded images must be kept for a minimum of 28 days. Full access to recordings must be given to Responsible Authorities immediately upon request

A notice stating that no sales of alcohol to persons under 18 years of age will be displayed at the premises

c) Public safety

As other Statutory obligations apply no further conditions are deemed appropriate under The Licensing Act 2003

d) The prevention of public nuisance

As other Statutory obligations apply no further conditions are deemed appropriate under The Licensing Act 2003

e) The protection of children from harm

A notice stating that it is illegal for persons to buy alcohol on behalf of persons under 18 years of age will be displayed at the premises

A challenge 25 policy will be operated by the premises with notices informing customers of the policy being displayed within the premises with at least 1 sign on the door to the premises and 1 displayed behind the counter. Staff must be trained on this policy. The staff will be regularly reminded/ trained to enforce the challenge 25 policy

All alcohol sale refusals will be noted in a refusals register which can be inspected by a Responsible Authority on request

Acceptable ID will only be a passport, photo driving licence or a recognised proof of age card.

Checklist:

supervisor, if applicable.

Please tick to indicate agree	ement
I have made or enclosed payment of the fcc.	\boxtimes
I have enclosed the plan of the premises.	\boxtimes
I have sent copies of this application and the plan to responsible authorities and others where applicable.	\boxtimes
I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable	\bowtie

I understand that I must now advertise my application.

 \boxtimes

I understand that if I do not comply with the above requirements my application will be rejected.

 \boxtimes

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	age Road. Birmings
Date	3/3/17 B ADRIAN CURTIS S
Capacity	Solicitar (Respenses Curtis 8)

For joint applications, signature of 2nd applicant or 2nd applicant. Of the 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)

ADRIAN CÜRTIS

KENNETH CURTIS & CO 88 ALDRIDGE ROAD

PERRY BARR

Post town BIRMINGHAM Postcode B42 2TP

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for Guidance

- 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 offsupplies, you must include a description of where the place will be and its proximity to the
 premises.
- Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 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.
- For example (but not exclusively), where the activity will occur on additional days during the summer months.
- For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 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 seminudity, films for restricted age groups or the presence of gaining machines.
- 9. Please list here steps you will take to promote all four licensing objectives together.
- 10. The application form must be signed.
- 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.





