

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

FRIDAY, 18 DECEMBER 2020 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

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

A G E N D A

1 NOTICE OF RECORDING

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

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

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 - 30

4 LICENSING ACT 2003 PREMISES LICENCE – GRANT SPICES, 143 SOHO ROAD, HANDSWORTH, BIRMINGHAM, B21 9ST

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

5 OTHER URGENT BUSINESS

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

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

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|-------------------------|--|
| Report to: | Licensing Sub Committee |
| Report of: | Interim Assistant Director of Regulation & Enforcement |
| Date of Meeting: | Friday 18th December 2020 |
| Subject: | Licensing Act 2003 Premises Licence – Grant |
| Premises: | Spices, 143 Soho Road, Handsworth, Birmingham, B21 9ST |
| Ward affected: | Soho and Jewellery Quarter |
| Contact Officer: | David Kennedy, Principal Licensing Officer licensing@birmingham.gov.uk |

1. Purpose of report:

To consider a representation that has been made in respect of an application for a Premises Licence which seeks to permit the provision of Late Night Refreshment, to operate indoors only, from 11:00pm until 5:00am (Monday to Sunday).

Premises to remain open to the public from 12:00midday until 5:00am (Monday to Sunday).

2. Recommendation:

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

3. Brief Summary of Report:

An application for a Premises Licence was received on 3rd November 2020 in respect of Spices, 143 Soho Road, Handsworth, Birmingham, B21 9ST.

A representation has been received from Environmental Health, as a responsible authority.

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

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

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| <p>5. Relevant background/chronology of key events:</p> <p>Spices Fast Food Ltd applied on 3rd November 2020 for the grant of a Premises Licence for Spices, 143 Soho Road, Handsworth, Birmingham, B21 9ST.</p> <p>A representation has been received from Environmental Health as a responsible authority. See Appendix 1.</p> <p>The application, including supporting documents, is attached at Appendix 2.</p> <p>Site Location Plans at Appendix 3.</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"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm. |
| <p>6. List of background documents:</p> <p>Copy of the representation as detailed in Appendix 1 Application Form and supporting documents, Appendix 2 Site Location Plans, Appendix 3</p> |
| <p>7. Options available</p> <p>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.</p> |

From: Martin Key
Sent: 30 November 2020 15:32
To: Licensing
Cc
Subject: 143 Soho Road, B21 9ST - Licensing Act 2003 Application
Importance: High

Hi

I, Martin Key, as a representative of Environmental Health, formally raise a representation to the premises licence application submitted by Mr Sufdar Nazir in respect of 143 Soho Road, Birmingham, B21 9ST requesting late night refreshment between the hours of 12.00 and 05.00. My representation concerns the likely effect of the grant of the licence on the promotion of the licensing objectives relating to the prevention of public nuisance.

I am concerned that the grant of the licence would potentially result in noise nuisance to neighbouring properties due to noise breakout from the building arising from the supply of late night refreshment after 23.00 hours and the associated noise generated by visiting patrons and deliveries from the premises until 05.00 every day of the week. There is also the significant risk of noise and odour from the extraction system affecting the locality and particularly adjacent residential use. This concern is based on the proposed operating hours, the type of operation, the absence of any effective operating conditions to mitigate the impact on the licensing objective, the existing noise environment (including the operating hours of nearby premises) and the proximity of noise sensitive receptors in what is a main road with attached residential premises.

The proposed hours will be significantly out of character with the area and are likely to result in noise nuisance to neighbouring residential premises. The premises has the benefit of a planning permission but this restricts the operating hours to 09.00 – 23.00 and a request to vary these hours in 2003 to extend until 02.00 was refused on the basis that the requested extension in hours would adversely affect the amenity of occupiers of dwelling in the vicinity due to noise and disturbance. I do not believe that my concerns can be dealt with by the use of appropriate conditions as it is principally about the termination hours proposed and would therefore raise a representation seeking refusal.

Best Regards

Martin Key
Environmental Protection Officer

Environmental Protection Unit
Regulation & Enforcement
Neighbourhoods Directorate
Birmingham City Council



Birmingham
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

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

☐ Applying as an individual

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

Applicant Business

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

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

Registration number

Business name

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

VAT number

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

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Spices Fast food limited

Details

Registered number (where applicable)

10423997

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

Continued from previous page...

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

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.

THE PREMISES IS A DOUBLE STOREY TYPE COMMERCIAL PROPERTY WHICH HAS A DINING AND KITCHEN/PREPERATION AREA ON THE GROUND FLOOR AND STORAGE TO THE REAR. THE PREMISES CURRENTLY SELLS HEALTHY GRILLED CHICKEN AND REFRESHMENTS.
INDOOR SEATING IS PROVIDED SHOULD CUSTOMERS WISH TO EAT INSIDE THE PREMISES.

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.

PROVISION OF FOOD AND REFRESHMENT.

THERE IS NO ADULT ENTERTAINMENT OR SERVICES, ACTIVITIES, GAMBLING AND OTHER ENTERTAINMENT PROVIDED.

State any seasonal variations

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

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

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

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☐ Yes ☒ No

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)

n/a

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 IS NO ADULT ENTERTAINMENT OR SERVICES, ACTIVITIES, GAMBLING AND OTHER ENTERTAINMENT PROVIDED.

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...

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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.

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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.

CRIME, DISORDER, PUBLIC SAFETY AND PUBLIC NUISANCE WILL BE CONTAINED BY TRAINED MEMBERS OF STAFF SHOULD ANY INCIDENT HAPPEN THE RESPONSIBLE AUTHORITY WILL BE NOTIFIED. CCTV IS IN OPERATION 24/7 WITH NOTICES/SIGNS CONTAINING WARNINGS TO USERS. THE CAFE WILL ALSO HAVE AT LEAST 1 NO. MEMBER OF STAFF WHO WILL BE TRAINED FOR FIRST AID.

b) The prevention of crime and disorder

SIGNAGE WILL BE PUT UP TO STATE ANY PERSONS TO CAUSE A NUISANCE, FIGHTING OR ANY DRUG RELATED OFFENCES WILL BE BANNED FROM THE PREMISES. SHOULD ANY SERIOUS INCIDENCES OCCUR MEMBERS OF STAFF WILL NOTIFY THE RESPONSIBLE AUTHORITY. CCTV WILL BE INSTALLED TO THE SATISFACTION OF WEST MIDLANDS POLICE. THIS WILL BE IN OPERATION WHENEVER THE PREMISES IS OPEN TO MEMBERS OF THE PUBLIC. IT WILL MAINTAIN RECORDINGS FOR 28 DAYS. THE RECORDINGS OF WHICH WILL BE MADE AVAILABLE IMMEDIATELY BY A MEMBER OF STAFF ON REASONABLE REQUEST OF A RESPONSIBLE AUTHORITY.

c) Public safety

THERE WILL BE AT LEAST ONE MEMBER OF STAFF WHO HAS FIRST AID TRAINING AT ANY ONE TIME. SHOULD ANY INCIDENTS HAPPEN; THE TRAINED MEMBER OF STAFF WILL ASSESS THE SITUATION AND CALL EMERGENCY SERVICES WHEN APPROPRIATE. ALL INCIDENCES WILL BE LOGGED BY ALL STAFF.

d) The prevention of public nuisance

SHOULD TROUBLE/PUBLIC NUISANCE OCCUR OUTSIDE THE PREMISES STAFF WILL INFORM THE APPROPRIATE AUTHORITY AND WILL WORK WITH ANY AUTHORITIES INVOLVED IF REQUIRED TO CONTROL A SITUATION. ALL MEMBERS OF STAFF ARE GIVEN TRAINING FOR DIFFERENT SITUATIONS.

e) The protection of children from harm

NO ADULT SERVICES, ACTIVITIES OR ENTERTAINMENT TO BE PROVIDED ON THE PREMISES AT ANY TIME. ALL TRAINING RECORDS FOR ALL STAFF, IN REGARD TO DRUNKENNESS, AND FOR THE PROTECTION FROM HARM FOR CHILDREN TO BE MAINTAINED AND TO BE AVAILABLE UPON REQUEST FROM ANY REGULATORY BODY.

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.

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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.

Section 20 of 21

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

DECLARATION

Continued from previous page...

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

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

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

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

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

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

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

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

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

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

Any internal layout changes will need to be approved by head office prior.



architecture

From:

Sent: 07 December 2020 13:21

To: Licensing <

Cc:

Subject: RE: Licensing Act 2003 (Grant) RE: Spices, 143 Soho Road, Handsworth, Birmingham, B21 9ST

Dear Sir/Madam

We are acting on behalf of the client as the agent for the late license application for the above addressed property

We have read and digested the information provided from your good self in relation to your concerns for the above premises.

We attach information in regards to the reasoning why this application for late license should be looked at positively as follows

1. We attached the previous late licence approval application number 401 allowing opening hours from 12:00 – 05:00 Mon-Sun valid from 2005 and in 2017 it was surrendered, we had no intention of surrendering the license, we were made aware of this when the enforcement officer made a visit. During that period of operation there were no complaints from the council or the local residents of any noise disturbance.
2. Please see attached a list of all the premises that have late license approval within the vicinity.
3. Please also see attached letter of support from the Soho Road BID.

As the original premises has been operation for 15 years with no complaints we feel that to obtain the license once again under the same premises would not have a negative effect in the area. As you would be aware with the current COVID-19 crisis business are struggling and to make this business viable the late license is a necessity. As you would appreciate job retention for the local staff is what we are reliant on with this license.

The original canopy and ventilation system was installed in accordance with the guidelines at that moment in time when it was first opened and has been maintained since.

The premises has a full CCTV. Fire alarm and burglar alarm system in place to assist in any concerns that would be raised. Once again the premises has provided the local community with service for period of 18 years. We look forward to your comments to assist in allowing the business to operate for late license and provide the great service the business has been providing.

Should you require additional information please do not hesitate to contact us

Regards,

Architecture & Interior Design

Licensing Act 2003

Premises Licence Search Results

The table lists the results of your search for premises licences. To read a full report for the current state of a licence follow the link in the Ref. column.

| <u>Ref.</u> | <u>Licence Number</u> | <u>Premises Name</u> | <u>Premises Address</u> | <u>Postcode</u> | <u>Status</u> |
|-----------------------|-----------------------|------------------------|-------------------------|-----------------|-----------------|
| 33696 | 913 | Mirchi Wah Wah | 137 Soho Road | B21 9ST | Transferred |
| 54129 | 913 | Mirchi Wah Wah | 137 Soho Road | B21 9ST | Current |
| 33979 | 1592 | Pizza Point | 127 Soho Road | B21 9ST | Current |
| 30210 | 1607 | Soho Convenience Store | 129 Soho Road | B21 9ST | Current |
| 33234 | 401 | Spices Kebab House | 143 Soho Road | B21 9ST | Surrendered |
| | | | | | Pages: 1 |

4 December, 2020

Suite 2, 118a Soho Road,
Handsworth,
Birmingham,
B21 9DP.

To whom it may concern,

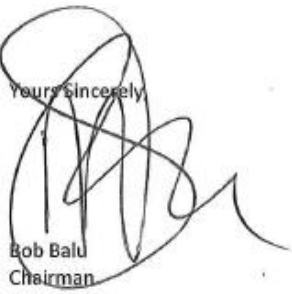
We received and reviewed the late opening application for

Spices Fast Food Ltd,
143 Soho Road,
Handsworth,
Birmingham,
B21 9ST.

They applied to open from 12pm till 5am every day of the week. We at the Soho Road BID **do not** object to these late opening hours and we fully support this business which is serving the community well.

Please do not hesitate to contact to for further queries.

Yours Sincerely,



Bob Balu
Chairman
Soho Road BID CIC

24th February 2006

Dear Sir / Madam

Re Licensing Act 2003 - Premises Licence

Please find enclosed your Premises Licence.

Please check your licence to ensure that all the details are correct. In addition to this please compare your premises licence to the summary document previously issued to you.

If the document(s) need to be amended please retain a copy and return the original(s) to the Licensing Section with a covering letter explaining the reason for the documents being returned.

If you have any concerns with regard to your premises licence please contact the Licensing Officer whose name appears at the bottom of this letter.

Yours faithfully

Shaid Yasser

Licensing Officer.





**LICENSING ACT 2003
PREMISES LICENCE SUMMARY**

Premises Licence Number:

401

Premises details:

Postal address of premises, or if none, ordnance survey map reference or description

Spices Kebab House
143 Soho Road
Handsworth

Post town:

Birmingham

Post Code:

B21 9ST

Telephone Number:

0121 554 8300

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

L Late night refreshment

The times the licence authorises the carrying out of licensable activities

Monday – Sunday 23:00 - 05:00 All

The opening hours of the premises

Monday – Sunday 12:00 - 05:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

N/A

Name, (registered) address of holder of premises licence

Condac Ltd
143 Soho Road
Handsworth

Post town:

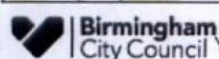
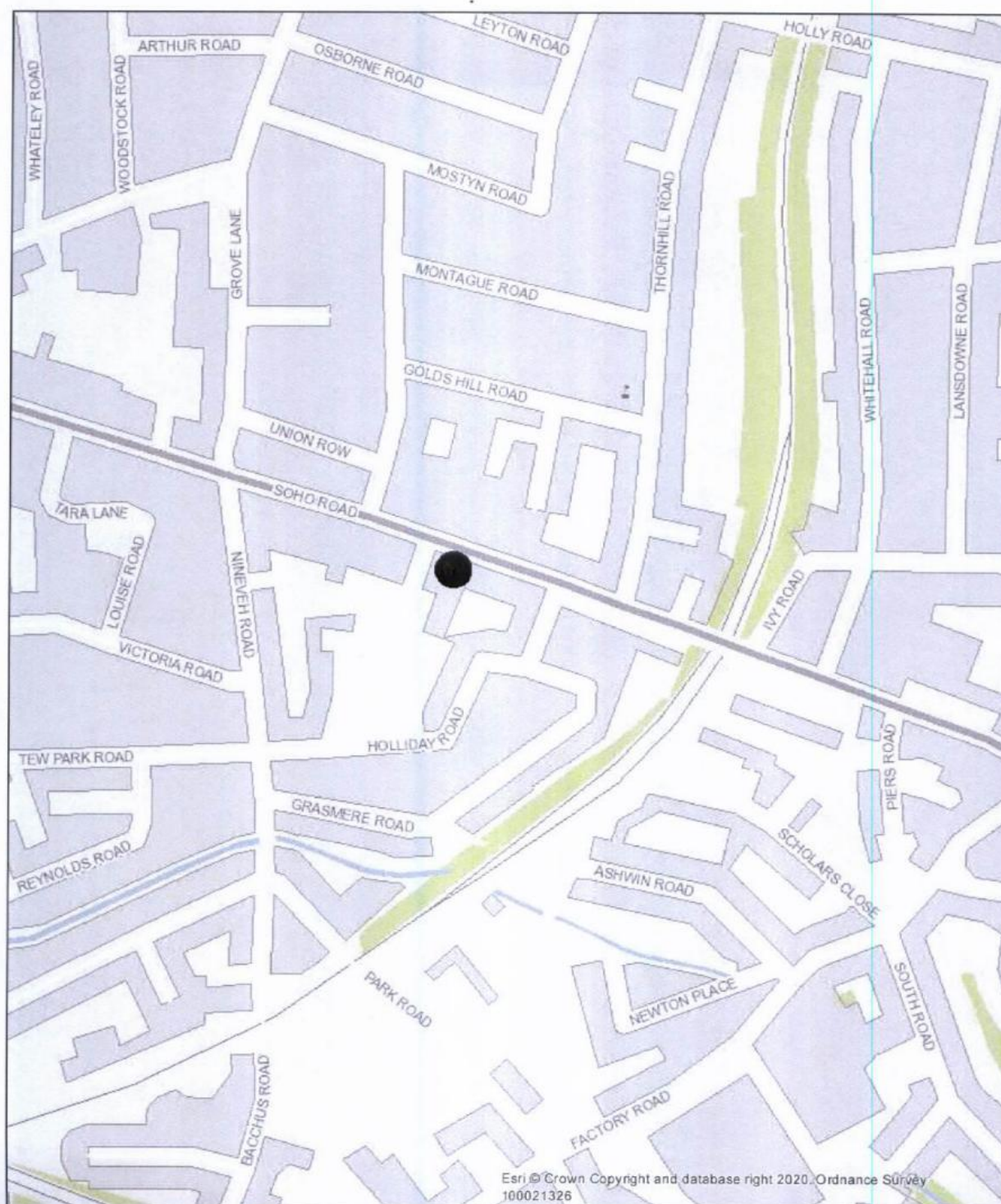
Birmingham

Post Code:

B21 9ST

Registered number of holder for example company number or charity number (where applicable)

5329891



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Date of Map Creation: 02/12/2020

Map Created By:

Scale: 1:4,000

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City Council

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Scale: 1:1,250



