

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 16 MARCH 2022 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

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

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

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

2 DECLARATIONS OF INTERESTS

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

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 - 10 **4 MINUTES**

To confirm and sign the Minutes of the meeting held on 12 January 2022.

11 - 40 **5 LICENSING ACT 2003 PREMISES LICENCE – GRANT FAMILY VYBZ, 1456 PERSHORE ROAD, STIRCHLEY, BIRMINGHAM, B30 2PH**

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

6 **OTHER URGENT BUSINESS**

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

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C 12 JANUARY 2022
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE C HELD ON WEDNESDAY 12 JANUARY 2022 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Nicky Brennan in the Chair;

Councillors Mary Locke and Mike Ward.

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

1/120122 **NOTICE OF RECORDING/WEBCAST**

The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/120122 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and 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.

There were no interests declared.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/120122 No apologies were submitted.

LICENSING ACT 2003 PREMISES LICENCE – REVIEW – SUPER CHOICE NEWS, 939 WALSALL ROAD, GREAT BARR, BIRMINGHAM, B42 1TN.

On Behalf of the Applicant

Naseem Shamas – Trading Standards

On behalf of West Midlands Police

Chris Jones – WMP

The PLH (Premises Licence Holder) did not attend the meeting but did provide a written representation which was included in the Report.

* * *

The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider. None of the parties had any preliminary points to make.

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, David Kennedy, to outline the report.

Naseem Shamas was invited to make submissions on behalf of the applicant and made the following statements: -

- a) On 24th May 2021 Paul Ellson, on behalf of Trading Standards, visited the premises due to an anonymous complaint. Two 15yo girls had purchased alcohol from the premises. The PLH (Premises Licence Holder) was not present and the person behind the till did not appear to understand English.
- b) Whilst carrying out the visit TS spoke to the PLH over the phone and told him about the complaint and his obligations in terms of the law.
- c) He was given an advisory pack and a Trader Notice was issued.
- d) On 16 October 2021 TS carried out a test purchase operation, the volunteer was a 15yo female. The TS officer carried out a risk assessment at the premises and observed the woman behind the till on her mobile phone, she was still on the phone when the TS officer left the premises.
- e) At 1124 hours Naseem Shamas went into the store with the female volunteer, the lady behind the till was still on her phone. The lady sold the volunteer WKD alcohol for £3.00 and the volunteer left the shop followed by officer Naseem Shamas. The lady was still on the phone.
- f) The volunteer handed the WKD bottle to the other TS officer and it was placed in the evidence bag.

- g) At 1140 hours Naseem Shamas went back into the shop and spoke to the woman behind the till informing her that she has sold alcohol to person under 18 and it was an offence under LA2003.
- h) They requested the refusals register, but she did not know what it was. She stated that her husband dealt with the paperwork – she struggled to speak English.
- i) She phoned the PLH and the officer spoke told him that alcohol was sold to a minor and noticed was given to him. Further, he was also informed that the CCTV footage would need to be provided.
- j) The female employee was given a Trader Notice which she signed and a copy was left with her to give to the PLH. The officers left the premises at 1200hours.

The Chair invited questions from Members and Naseem Shamas gave the following responses: -

- a) The female volunteer did have a face mask on. It was paper medical mask.
- b) Retailers should ask the face mask to be pulled down, or removed for ID.

The Chair then invited those making representations to make their case and Chris Jones on behalf of WMP made the following statements: -

- a) The child was a volunteer for TS who used people who looked their age. They didn't have 15yos that were done up to look 18. She would have looked 15, with or without a mask.
- b) The volunteer was able to purchase WKD without question from the staff behind the till.
- c) The staff member was so uninterested she remained on her phone throughout.
- d) When TS spoke to the staff member behind the till she didn't know where the refusals log was and said her husband dealt with the paperwork.
- e) She did phone the PLH and TS spoke to him on the phone.
- f) TS had a complaint that two other 15yo girls were sold alcohol from the premises. TS visited the premises following the complaint and again the PLH was not present and only one member of staff was left in charge. He was given advice and reminded about refusals registers. Then 5 months later they carried out a test purchase at the premises and again the PLH was no present. The refusals register was not left with the staff in charge. They had breached the licence conditions such as the challenge 21 policy and staff training had either not been done or was not effective.

- g) The staff member didn't know where the refusals book was and didn't seem to know what it was.
- h) The NHS online provided details of the effects of alcohol on children and it was linked to health and social problems. It could also impact normal development of the brain, liver, bones and hormones.
- i) Under age drinking was also associated with violence, pregnancy, drink driving and injuries. Young people using alcohol also increased the risk of missing school.
- j) The sale of alcohol to children could only be financially led and the consequences were of no concern to the PLH.
- k) The staff member who sold the alcohol to the young girl didn't even bother to come off the phone to challenge the girl. WKD was a favourite drink amongst young people.

The Chairman invited questions from Members and Chris Jones, on behalf of WMP made the following points: -

- a) That he wasn't there at the time of the visit so didn't know about staff training records. (Naseem Shamas responded as he was present at the time of the visit and told the Committee that he didn't ask for training records as the PLH wasn't present).
- b) The intel TS received indicated that alcohol was sold to two 15yos and then they failed the test purchase.

In summing up Chris Jones, WMP made the following points: -

- That the PLH had no regard for the licensing objectives. Advice had been given before the test purchase, which suggested it was an ongoing issue.
- WMP had no confidence in the management or their desire to promote the licensing objectives.
- Management put profit above their legal, moral or social responsibilities.
- He agreed with TS that the licence should be revoked.

Naseem Shamas on behalf of TS made the following closing statements: -

- The failed test purchase took place on 16 October 2021 after advice had already been given on 24 May 2021.
- The PLH was already aware of the problems and no refusals register was shown when requested.

The Members, Committee Lawyer and Committee Manager conducted the deliberations in a separate private session and the decision of the Sub-Committee was announced and a copy of that decision was sent to all parties as follows;

4/120122

RESOLVED:-

That, having reviewed the premises licence held under the Licensing Act 2003 by Muhammad Sajjad, in respect of Super Choice News, 939 Walsall Road, Great Barr, Birmingham B42 1TN, upon the application of the Chief Officer of Weights and Measures, this Sub-Committee hereby determines

- that the Licence be revoked, and
- that Mr Muhammad Sajjad be removed as Designated Premises Supervisor

in order to promote the licensing objectives in the Act, namely the prevention of crime and disorder, public safety, and the protection of children from harm.

The Sub-Committee's reasons for revoking the licence and removing the named designated premises supervisor are due to concerns expressed on behalf of the Chief Inspector of Weights and Measures, as outlined fully in the Report. Mr Sajjad was both the licence holder and the designated premises supervisor for the Super Choice News premises. Mr Sajjad was invited to the meeting but did not attend; nor was he represented. Instead, he submitted written representations, which were included in the Report.

The Report summarised the previous history of the shop. An officer of the Trading Standards department of the City Council attended the meeting and told the Sub-Committee that a complaint from a member of the public had been received in May 2021, alleging that the shop had been permitting underage sales of alcohol. Trading Standards went to the premises to give advice, and to warn about the implications of selling alcohol to persons under the age of 18. The person behind the counter appeared to not understand English, and so officers spoke to Mr Sajjad on the telephone. A Trader's Notice and advisory pack was issued.

A test purchase exercise was then carried out in October 2021, the details of which were in the Report. A Trading Standards officer had stood in the shop and observed as a 15 year old volunteer had been allowed to purchase alcohol without challenge. The young volunteer had been wearing a face mask due to the ongoing Covid-19 pandemic; Trading Standards confirmed that they would have expected a responsible retailer to ask the volunteer to remove her mask and to show age-related identification. Neither of these things had happened, despite a "Challenge 21" requirement being a condition of the licence.

The person behind the counter who had made the sale to the 15 year old volunteer was Mr Sajjad's wife. Officers noted that she was unable to produce a Refusals Register (and indeed seemed unsure as to what a Refusals Register even was). She stated that her husband dealt with the paperwork for the shop. Officers noted that she could not speak English fluently.

They therefore left a Trader's Notice for Mr Sajjad with a requirement to produce the CCTV recording of the incident. Conditions relating to CCTV were part of the licence – including a requirement that “the premises licence holder will ensure that CCTV is recording at all times the premises is open for licensable activities and all CCTV images are to be made immediately available and downloadable on request by any responsible authority”.

The shop had therefore failed to uphold three of the four licensing objectives in selling alcohol to an underage volunteer without challenge. This was both illegal and a breach of the “Challenge 21” condition on the licence, and was particularly poor given that an advice visit had been carried out by Trading Standards only five months previously. The Sub-Committee agreed that this was completely unsatisfactory.

Trading Standards were unimpressed that the licence holder had left a person in charge who clearly did not understand the level of responsibility which came with selling alcohol. The officer remarked that this “did not demonstrate a well-run business”; the Sub-Committee agreed. It was the recommendation of Trading Standards that the licence should be revoked, as they had no trust in the management of the shop, and had no confidence that the licence holder had any desire to trade in accordance with either the law or the conditions of his licence.

The application for review was supported by West Midlands Police, who attended to address the Sub-Committee. The Police documents in the Report reiterated the points made by Trading Standards. The Police noted the “striking similarities” between the complaint which had been received, the advisory visit and the failed test purchase – namely that the ages of the children that were allowed to purchase alcohol had been 15 years, the licence holder (who was also the designated premises supervisor) had not been on site, and a sole member of staff had been left in charge, yet this person had been unable to produce a Refusals Register and indeed had no knowledge of it.

The Police statement in the Report observed that the conditions on the licence regarding staff training and “Challenge 21” had been imposed to ensure the upholding of the licensing objectives, and specifically to protect children. The Police statement in the Report commented on the harmful effects of alcohol on children, and remarked that permitting underage sales was likely to be financially motivated. The “Challenge 21” requirement had not been followed, in terms of either asking the child her age, or demanding that she produce some identification. Moreover, the Police noted in particular the fact that the licence holder's wife had been speaking on her phone to somebody throughout the entire test purchase transaction.

West Midlands Police supported the Trading Standards recommendation to revoke, stating that they had no confidence in the management of Super Choice News. The Police considered that the licence holder had no intention of upholding the licensing objectives, especially the protection of children from harm, the prevention of crime and disorder, and public safety. The advisory visit had been made only five months previously, and had been carried out specifically to advise about underage sales; the Police felt that the sale of alcohol to children was therefore an ongoing issue, and that the licence holder had placed profit above his

responsibilities. The Police therefore saw the only solution to be revocation of the premises licence.

At the start of his written representations, which were at Appendix 3 of the Report, Mr Sajjad confirmed, “I do not wish to participate nor be represented at the hearing. This is because I feel it is not necessary, as I will list reasons below in my defence”. The Sub-Committee therefore considered Mr Sajjad’s written representations very carefully.

Mr Sajjad stated that he had been called to Pakistan to deal with family problems, but he felt that he had left suitable staff to run the store, and had given them what he described as “adequate training and warnings”. The Members found that this could not possibly be the case; they noted that even Mr Sajjad himself remarked that whatever training or advice had been given to the staff, “these unfortunately were not followed through”.

Mr Sajjad explained that his wife had been speaking on the phone because a relative had passed away, and she was in a very distressed state. Given that Mr Sajjad had said that he had left the shop in the hands of his wife and another member of staff, the Members were unsure why this other person had not been called to take over responsibility for alcohol sales if the person behind the counter should have become distressed for any reason. Such an arrangement was surely an elementary part of responsible trading. Instead, the licence holder’s wife had remained on duty behind the counter whilst dealing with family business via the telephone.

Mr Sajjad went on to observe that the 15 year old volunteer had been masked. However, the Sub-Committee did not see that as relevant. It had become common practice during the Covid-19 pandemic for all retailers and businesses to ask customers to move their mask aside temporarily, so that the face could be seen and/or checked with identification. That had not been requested of the volunteer during the test purchase.

When deliberating, the Sub-Committee took into account Mr Sajjad’s argument relating to hardship from the loss of his livelihood, but agreed with the responsible authorities that any underage sales put the licensing objectives at grave risk. It was also a drain on the public purse, as both West Midlands Police and the Trading Standards department of the City Council had to allocate resources to investigate and deal with a criminal activity which had been undertaken, for profit, by a person who should have been more than aware of the standards expected of all licence holders in Birmingham (especially given the advisory visit earlier in the year). As such, the Sub-Committee took a very dim view of Super Choice News and the licence holder.

The Sub-Committee looked at all options when making their decision, and placed particular emphasis on the need to ensure that there was confidence that the management of the shop would not engage in, and encourage, criminal activity. The Members gave consideration as to whether they could modify the conditions of the licence, or suspend the licence for a specified period, but were not satisfied, given the evidence submitted, that the licensing objectives would be properly promoted following any such determination, for the reasons set out above.

The operation had been managed in a way that was not merely irresponsible, but also illegal. The findings had shown a lack of professional supervision and control by Mr Sajjad as the licence holder, and he had demonstrated that he was incapable of upholding the licensing objectives. Both of the responsible authorities had already confirmed that they had no trust whatsoever in Mr Sajjad to uphold the licensing objectives.

After hearing all the evidence, the Sub-Committee determined that underage sale of alcohol was indeed so serious that it could not be tolerated. The Sub-Committee therefore resolved to revoke the licence and to remove Mr Sajjad as designated premises supervisor. The determination to revoke followed the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. There were no compelling reasons to depart from the Guidance on this occasion.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under s182 of the Licensing Act 2003 by the Secretary of State, the application for review, all of the written representations received (especially that of Mr Sajjad), and the submissions made at the hearing by those representing the Chief Inspector of Weights & Measures and West Midlands Police.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the determination of the appeal.

The meeting ended at 1030 hours.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 16th March 2022
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Family Vybz, 1456 Pershore Road, Stirchley, Birmingham, B30 2PH
Ward affected:	Stirchley
Contact Officer:	Bhapinder Nandhra, Senior 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 Sale of Alcohol (for consumption both on and off the premises) to operate from 10:00am until 10:00pm (Monday to Sunday).

Premises to remain open to the public from 10:00am until 10:00pm (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 31st January 2022 in respect of Family Vybz, 1456 Pershore Road, Stirchley, Birmingham, B30 2PH.

A representation has 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.

<p>5. Relevant background/chronology of key events:</p> <p>Dion Jackson applied on 31st January 2022 for the grant of a Premises Licence for Family Vybz, 1456 Pershore Road, Stirchley, Birmingham, B30 2PH.</p> <p>A representation has been received from other persons, which is attached at Appendix 1.</p> <p>The application 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, 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. 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.</p>

From:
Sent: 18 February 2022 12:45
To: Licensing
Cc:
Subject: Licensing Family Vybz - ref 124031

Hello,

As representative of the school after consultation with the head teacher we object to the application Family Vybz ref 124031 to sell alcohol during the day due to its close proximity to the school and a route home for many children with the potential, like any premises selling alcohol of arguments or worse violence in front of children leaving school at home time.

We recommend reduced availability of alcohol outside the hours of school and our after-school club. (6pm onwards) No objections at weekends.

Objection based around:
The protection of children from harm

Kind regards



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.

Is the applicant's business registered outside the UK? ☐ Yes ☒ No

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.

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

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**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- ☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- ☒ Yes ☐ No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

* Date of birth

dd / mm / yyyy

* Nationality

Right to work share code

Documents that demonstrate entitlement to work in the UK

Right to work share code if not submitting scanned documents

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

28 / 02 / 2022
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

Continued from previous page...

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.

A family run Jamaican fast food establishment in a terraced shop comprising a small customer area accommodating 6 seated diners, kitchen food prep area and food smoking area.

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

Continued from previous page...

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?

☐ Yes

☒ No

Section 13 of 21

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

See guidance on regulated entertainment

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

☐ Yes

☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

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

Continued from previous page...

FRIDAY

Start 10:00

End 22:00

Start

End

SATURDAY

Start 10:00

End 22:00

Start

End

SUNDAY

Start 10:00

End 22:00

Start

End

Will the sale of alcohol be for consumption:

- ☐ On the premises ☐ Off the premises ☒ Both

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

State any seasonal variations

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

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

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

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

Name

First name Shonda

Family name White

Date of birth
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text" value="tba"/>
Issuing licensing authority (if known)	<input type="text" value="Sandwell Metropolitan Borough Council"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

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

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

N/A

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start
Start

End
End

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

Continued from previous page...

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.

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.

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)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

In making this application, we have taken into account the Guidance issued under the Licensing Act 2013 and the Licensing Policy of City of Birmingham Council. We have inspected the area and have noted the environmental and socio-economic composition. As a consequence of all this, we are applying effective conditions in order to promote the Licensing Objectives. The sales of alcohol will only be Ancillary to the sale of food for both On and Off sales. A maximum of 6 sitting customers will be able to eat and consume alcohol at any one time and off sales will not be allowed unless a supplied with a substantial meal.

b) The prevention of crime and disorder

1. When the Designated Premises Supervisor is not on duty, a contact telephone number will be available at all times.

2. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly regarding facial recognition.

Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.

Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, and able to produce it to a Police Officer and/or an authorised Local Authority/Council Trading Standards Officer on demand and in a viewable format.

The CCTV equipment shall be kept in a secure environment under the control of the DPS or other responsible named individual.

An operational daily weekly report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police (on contact number '101') and Council Licensing Department immediately.

3. An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Trading Standards Officer or the Police, and must record the following:

(a) all crimes reported to the premises (where relevant to the licensing objectives)

(b) all ejections of patrons

(c) any complaints received (where relevant to the licensing objectives)

(d) any incidents of disorder

(e) any faults in the CCTV system or searching equipment or scanning equipment

(f) any refusal of the sale of alcohol or tobacco products

(g) any visit by a relevant authority or emergency services, noting time, date & purpose and those officials by name.

c) Public safety

4. The Premises Licence Holder shall have a procedure in place to ensure that the Fire Exit(s) is checked regularly and clear of obstruction at all time. The staff will ensure that the customer area will be free of trip hazards and spillages at all times

d) The prevention of public nuisance

5. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly.

Continued from previous page...

e) The protection of children from harm

6. All deliveries will be made using staff employed by the Family Vybz to ensure the Challenge 25 Policy is adhered to.

7. A written register of Refusals on grounds of age or sobriety will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/Council on demand.

8. All staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing prior to commencing employment unless themselves a Personal Licence Holder in their own right. Retraining will be carried out every 12 months. Training records shall be kept on the premises and produced to the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Local Authority/ Council) on demand.

9. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

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

1

Continued from previous page...

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

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

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

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

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

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

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

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

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

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

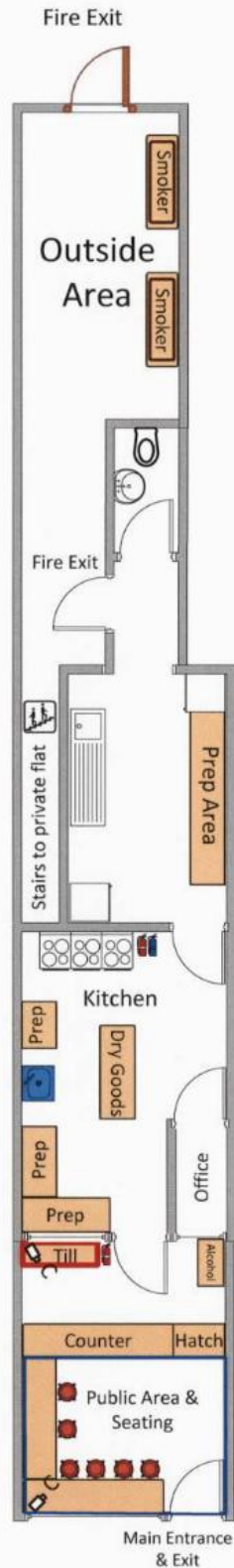
OFFICE USE ONLY

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Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
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




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Family Vybz
1456 Pershore Road
Stirchley
Birmingham
B30 2PH

Scale 1:100



Key

-  CCTV
-  Licensable Activity
-  Consumption Area
-  Foam Fire Extinguisher
-  Co2 Fire Extinguisher





From: The Licensing Guys [Licensing]
Sent: 15 March 2022 09:20
To
Cc:
Subject: FW: Family Vybz HEARING - Now Urgent

Hi ,
I have just left a message on your answerphone at the school, so this is a follow up email.

We are now headed for a Hearing tomorrow and the applicant will therefore incur quite some costs for our representation at same.

Can I urge you again, very respectfully, that you engage with us even at this very late juncture.

Most specifically today, I enquire whether you have **any evidence that Family Vybz in particular:**

1. Currently represent any issues that cause you safeguarding concern(s) at present.
2. If granted a Premises Licence, will undermine the Licensing Objectives.
3. That the Conditions proposed as part of this application will not adequately promote the Licensing Objectives.

Perhaps it would be useful if you sought some independent advice on the above matters, either from the Birmingham City Council Licensing Department or from the School's legal advisor?

I have cc'ed in the Licensing Authority into this email so that they are apprised of the situation and that our own efforts to engage with you are evidenced and placed before the Licensing Committee tomorrow.

Kind Regards
Nick SEMPER
Director
TL Guys Ltd
t/a The Licensing Guys



Disclaimer

This message (including any attachments) is confidential and may be legally privileged. If you are not the intended recipient, you should not disclose, copy or use any part of it for any purpose - please delete all copies immediately and notify the sender. Any views or opinions expressed do not necessarily represent those of the Company.
Please consider the environment before printing.

From: Paul Neades
Sent: 02 March 2022 11:29
To:
Subject: RE: Family Vybz HEARING - Now Urgent

Hi ,
Absolutely understand your position – we will therefore have to discuss our relevant positions to the Licensing Sub Committee.

You pose a question below. The relevant passage of the application states:
“The sales of alcohol will only be Ancillary to the sale of food for both On and Off sales. A maximum of 6 sitting customers will be able to eat and consume alcohol at any one time and off sales will not be allowed unless a supplied with a substantial meal.”

You appear to be referring to On Sales ONLY as OFF Sales will accompany an order of food despatched from the Premises.

Therefore when the customers are eating in, they purchase one substantial table meal and then would purchase any alcohol for consumption with that meal as an ancillary sale(s) to that individual meal.

What I am eager to explore is this...

The Hearing is an evidence-based decision-making process. What evidence have you got that Family Vybz will fail to promote or undermine the Licensing Objectives, please? Once I understand that, then I can address your evidence and address your concerns to its fullest extent.

If on the other hand your position is speculative i.e. you speculate that Family Vybz, in selling alcohol will fail to promote or undermine the Licensing Objectives, then that is much harder to address – other than by the raft of conditions that we have already provided regarding CCTV, Incident Log, Refusals Register, Staff Training and Challenge 25 etc. I take it that you have read the application in full? If not, I can send you a copy?

Kindest regards,

Paul.

From:
Sent: 02 March 2022 11:17
To: Paul Neades
Subject: Re: Family Vybz HEARING - Now Urgent

Hi Paul,

Yes I received the note regards the TEAMS meeting
16th March.

The school still stands by our concerns.

Could you confirm with me however that for each sale of any alcohol a sale of food would accompany the order.

e.g I order a chicken bucket and order a beer at the same time.

I finish my beer but not my bucket of chicken and want another beer.

Do I have to order food again to get a beer or will staff allow me to order a beer to finish off my bucket?

Kind regards

From: Paul Neades

Sent: Wednesday, March 2, 2022 9:14 AM

To:

Subject: FW: Family Vybz HEARING - Now Urgent

Dear ,

We have now been called to a Hearing before the Licensing Sub Committee of Birmingham City Council at 10:00hrs on 16th March 2022. You will have received the same letter calling you to appear before it – albeit mercifully BCC are still running their Hearings over Microsoft Teams, whilst many other Authorities are reverting to ‘In Person’ Hearings following the removal of COVID Restrictions.

Is it possible that you reply to our email of 28th February please, so that we can agree as much as possible prior to the event?

Many thanks in anticipation.

Kind Regards

Paul NEADES

Director

TL Guys Ltd

t/a The Licensing Guys

From: Paul Neades

Sent: 28 February 2022 09:22

To:

Subject: RE: Family Vybz Application.

Hi

Great to hear from you. Thank you!

We could do with resolving this asap as otherwise you and I will be appearing before a Hearing of the Licensing Sub Committee in Birmingham City Hall in a fortnight or so to have these discussions in person in the Council Chamber 😊

This will be an evidence-based decision-making process. Could I trouble you to ask for advanced disclosure of any evidence that you will be putting before the Committee that supports the prospect

that Family Vybz will not be supporting or promoting the Licensing Objectives? Clearly we will reciprocate and address any of your specific evidential points by email as quickly as possible, and in any event long before the Hearing.

Dealing with your points below in order:

1. Possible flare-ups at Licensed Premises are a possibility. However with a seating capacity of just six person, we maintain that it is highly unlikely. It's a bit like Hazard and Risk in H & S matters. Yes, there is a slight Hazard of six people falling out leading to Crime & Disorder, but the risk of it is remote, in our submission.
2. Selling alcohol with one chicken wing... The application clearly says "A maximum of 6 sitting customers will be able to eat and consume alcohol at any one time and off sales will not be allowed unless a supplied with a substantial meal." You, I and the Committee clearly know what a 'substantial meal' is, despite a befuddled Tory politician claiming that a Scotch Egg was a substantial table meal! Luckily common law and common sense always prevails over erroneous policy 'made up on the hoof', and therefore your concern has been addressed already.

The purposes of these discussions and dialogue is to come to an understanding of the application, so that in the event you are satisfied that the application does indeed support the Licensing Objectives then you can withdraw your representation, thus avoiding the need for a Hearing.

Therefore, if there are any more reassurances and/or explanations that we can provide, or if you would like to conduct a site visit with us, please say so and we will do everything reasonable to address your concerns.

Kind Regards
Paul NEADES
Director
TL Guys Ltd
t/a The Licensing Guys



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From:
Sent: 28 February 2022 08:49
To: Paul Neades
Subject: Re: Family Vybz Application.

Hi Paul,

Thanks for your email.

Just to note that the concerns are from the school as a whole and the management team and not anyone individual.

Regards to the possibilities of flare ups with all respect it's a 'possibility' like any licensed premises.

The restaurant is very small and only has a small eating area, not like many of the other eating facilities in Stirchley with several tables with a wide range of meals.

Food: Will clients be able to buy alcohol by simply ordering a chicken wing?

What would the ratio of food to alcohol be. A substantial meal or a wing?

I am sure your clients are respectable and it is a family run business but this has no overriding factor on their customers.

We are simply giving thought to young lives, that I am sure you agree should be paramount.

As mentioned, we have no issue with alcohol being sold after school hours.

Kind regards

From: Paul Neades
Sent: Wednesday, February 23, 2022 1:44 PM
To:
Cc:
Subject: Family Vybz Application.

Dear

I hope my email finds you well.

I write with reference to the recent application for a Premises Licence at Family Vybz, our clients being a family-run and family-orientated food-led business. We note your concerns.

When we were approached by the client, we visited the area and indeed saw the location of your school. During our initial consultations with the client, we suggested that the licence applied for

should be for alcohol to be supplied ancillary to any food orders. Essentially this means that this would be a Restaurant Licence in that any customers would only be able to order and enjoy a drink with their meal. This also applies to any alcohol that is order to be taken away – i.e. it would be contingent on a sale of food.

This means that no one can make a stand alone purchase of alcohol from Family Vybz.

You mention any premises selling alcohol are going to cause people to be arguing/fighting in the street. This certainly won't be the case from a well-run family business such as our clients and the business model is not that of an off-licence selling all strengths of alcohol to anyone off the street.

You also mention timings after 6pm re after-school clubs? We do not see this as a feasible option as this has not taken into account, half term, school holidays, inset days, Christmas breaks etc. This would restrict our clients small independent business too harshly when no clubs are being run.

Our client has age verification policies in place and has conditions around the sale of alcohol to ensure that it meets all of the licensing objectives including the protection of children from harm. We assure you that we have no interest in or intention to sell alcohol to children.

If you would like discuss the application and operation further we would welcome this. The purpose of this ongoing dialogue would be to (hopefully) satisfy any ongoing concerns that you might have. If you are so satisfied, then we would kindly ask you to withdraw the representation, as this will save a considerable cost on the public purse arranging a hearing where we all be asked to attend.

My mobile number is also below if you would like to discuss this further.

Kind Regards

Paul Neades



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