

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 09 OCTOBER 2019 AT 09:30 HOURS
IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

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 - 72

4 LICENSING ACT 2003 PREMISES LICENCE – REVIEW 24/7 **CONVENIENCE EXPRESS, 41 HORSE FAIR, BIRMINGHAM, B1 1DA**

Report of the Assistant Director of Regulation and Enforcement
N.B. Application scheduled to be heard at 9.30am.

73 - 102

5 LICENSING ACT 2003 PREMISES LICENCE – GRANT FLAME CAFÉ **LOUNGE, 77 BUCKINGHAM STREET, HOCKLEY, BIRMINGHAM, B19** **3HU**

Report of the Assistant Director of Regulation and Enforcement.
N.B Application scheduled to be heard at 11.00am.

6 **OTHER URGENT BUSINESS**

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

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 9th October 2019
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	24/7 Convenience Express, 41 Horse Fair, Birmingham, B1 1DA
Ward affected:	Bordesley & Highgate
Contact Officer:	Bhupinder Nandhra, Senior Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:
To consider an application to review a Premises Licence.

2. Recommendation:
To consider and determine the review application.

3. Brief Summary of Report:
Review application received on 19 th August 2019 from the Chief Inspector of Weights & Measures in respect of 24/7 Convenience Express, 41 Horse Fair, Birmingham, B1 1DA. A representation has been received from West Midlands Police 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.

5. Relevant background/chronology of key events:

The Chief Inspector of Weights & Measures applied on 19th August 2019 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for 24/7 Convenience Express, 41 Horse Fair, Birmingham, B1 1DA.

A representation has been received from West Midlands Police, as a responsible authority. See Appendix 1.

Review application is attached. See Appendix 2.

The Premises Licence is attached at Appendix 3.

Site location plans are attached at Appendix 4.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -

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

6. List of background documents:

Copy of the representation as detailed in Appendix 1
Review Application Form, Appendix 2
Copy of Premises Licence, Appendix 3
Site location plans, Appendix 4

7. Options available

Modify the conditions of Licence
Exclude a Licensable activity from the scope of the Licence
Remove the Designated Premises Supervisor
Suspend the Licence for a period not exceeding 3 months
Revoke the Licence
No Action

Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

From: Abdool Rohomon
Sent: 20 August 2019 14:21
To: Licensing
Subject: FW: Application for the review of a premises licence under the Licensing Act 2003

Dear Licensing

Please see below representation by West Midlands Police for the review application for the above premises

regards

Abs Rohomon

**PC 4075 Rohomon
BW Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ**

Follow us on Twitter - @brumcopslicensing

**West Midlands Police
Tel. 101 Ext 8011627**

Email:

Website: www.west-midlands.police.uk

Twitter: www.twitter.com/brumpolice

Facebook: www.facebook.com/westmidlandspolice

YouTube: www.youtube.com/westmidlandspolice

Vision statement - Serving our communities, protecting them from harm

From: Ben Reader
Sent: 19 August 2019 14:41
To: Abdool Rohomon
Subject: FW: Application for the review of a premises licence under the Licensing Act 2003

**Police Constable 2413 Ben Reader
Licensing Department
Birmingham West Local Policing Unit
Police Headquarters,
Lloyd House,
Birmingham,
B4 6NQ**

Preventing crime, protecting the public and helping those in need

From: bw licensing

Sent: 19 August 2019 13:42

To: 'Donna Bensley'; Licensing; Pollution Team; bw licensing; firesafety.admin@wmfs.net; PlanningandRegenerationEnquiries; Safeguarding Children & Licensing; Birmingham Public Health; Alcohol@homeoffice.gsi.gov.uk

Cc: Kamaljit Panesar

Subject: RE: Application for the review of a premises licence under the Licensing Act 2003

BCC Licensing,

West Midlands Police have seen this application and wish to make a representation to support the application made by Trading Standards.

The supply of illicit tobacco shows that the licence holder is not only failing to promote the licensing objectives, but also committing offences. The illicit tobacco will be sold at lower prices, and will not be subject to the required level of duty and taxation. This market fuels the smuggling of products into the country which can be linked to organised crime groups.

Having seen the paperwork previously submitted, I conducted a visit to the premises in the early hours of Saturday 10th August. I was surprised to see so many super strength products available in the store, which were being sold as single cans. A group of people were served these products at approx 01:30 hours. I would class this group as being 'street drinkers'. The group went outside and drank the super strength alcohol in the bus stop outside, causing me to go over and speak to them because of their behaviour. This premises is contributing to the alcohol related ASB that takes place on a regular basis around this location.

It is the opinion of WMP that this premises are not promoting the licensing objectives, specifically the prevention of crime and disorder and public safety.

Regards

Ben

Police Constable 2413 Ben Reader
Licensing Department
Birmingham West Local Policing Unit
Police Headquarters,
Lloyd House,
Birmingham,
B4 6NQ

Preventing crime, protecting the public and helping those in need

WITNESS STATEMENT

Crime Number:.....

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5BURN

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Statement of: Ben READER

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:  2413

Date 16/09/2019

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am Police Constable 2413 Reader of the West Midlands Police. I am a specialist licensing officer based at Lloyd House, Police Headquarters.

I have made representations in support of a review initiated by trading standards against a premises namely 24/7 Convenience Express, 41 Horse Fair, Birmingham, B1 1DA. The licence holder for the premises is Rahmat HASSANPOOR, he is also the DPS.

On Sunday 15th September, I was doing licensing enforcement visits in the city centre with licensing officer Chris Jones. We went to Rodroj, Smallbrook Queensway as part of the visits and were looking through some conditions in the venue.

At around 19:05 hours, two males entered the premises, I would describe these males as being street drinkers. One of the males had a can of super strength cider in his pocket, he got it out and shouted to me 'Gaffer, I haven't nicked this, I already had it when I walked in' The male was loud and animated, he walked past me and straight to the fridge to pick up some super strength cider. He came back and got into the queue with his friend. I could smell alcohol on him. I believed that this male was drunk.

He got to the front of the queue and was refused service by the cashier as he believed him to be intoxicated. The male and his friend remonstrated and left the store moaning that they had been refused and would never go back there.

A couple of minutes later we left the store and headed round to 24/7 Convenience Express. As we were walking round, the same two males were walking back towards us, holding their cans of cider up, bragging that they had been served round the corner.

I went into 24/7 with Chris Jones to investigate what had happened. Upon reviewing the CCTV, I could see that these males were served super strength cider by the staff. The cans of cider were Knights cider, which has a very high ABV of 8.4%, each can was only a pound. The staff here did not think that the males were drunk and were happy to serve them. The availability of such strong alcohol at discount prices is fuelling the crime and ASB linked to the homeless and street drinking community.

On looking in the store, it was obvious that a large percentage of what they are selling is what I would classify as high strength products, all available as single cans, which is usually opened and consumed on the street soon after purchase.

I have produced a number of photographs in support of my visit to the premises.

 2413

Exhibit BR/1 is a photo of the Knights Cider available for a pound per can.

Exhibit BR/2 is a photo of the range of high strength cans of alcohol.

Exhibit BR/3 is a photo of the range of high ABV ciders in larger bottles.

Exhibit BR/4 is a photo of a baseball bat held behind the counter.

Exhibit BR/5 is a photo of dealer bags available for sale behind the counter.

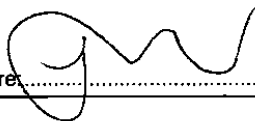
Exhibit BR/6 is a photo of a selection of glass pipes on sale. These are the type of pipe people would use to smoke crack.

Exhibit BR/7 is a photo of grinders for sale, typically used for grinding herbal cannabis.

Exhibit BR/8 is a photo of the take away at the rear of the premises.

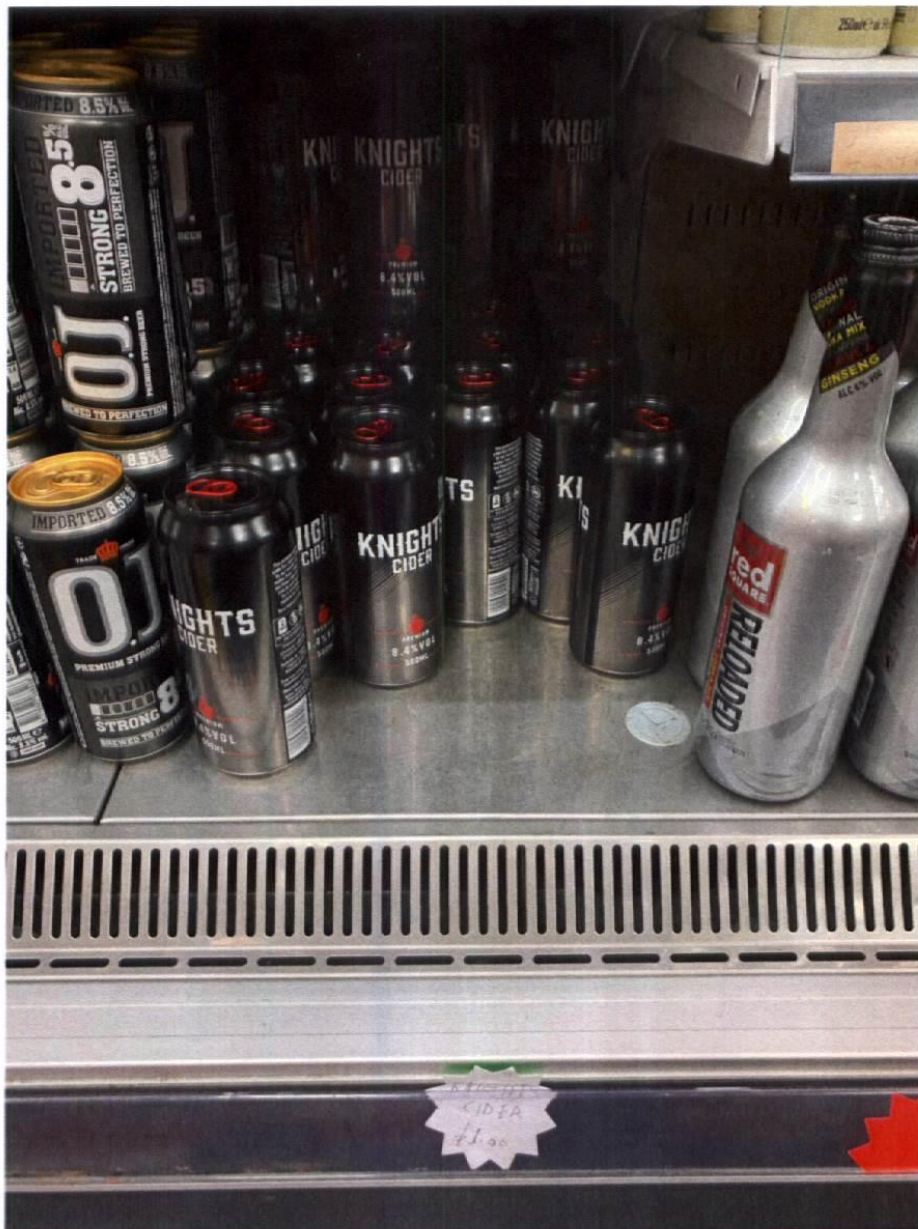
I wish to raise these matters at the review hearing as I believe that the premises are not promoting the crime and disorder objective.

Signature

 24.3.

Signature witnessed by:

OFFICIAL (when complete)



BR /1 Knights Cider 8.4% ABV for \$1.



sr/2 Selection of super strength



BR/3 Super strength cider



br/4 Baseball bat behind counter



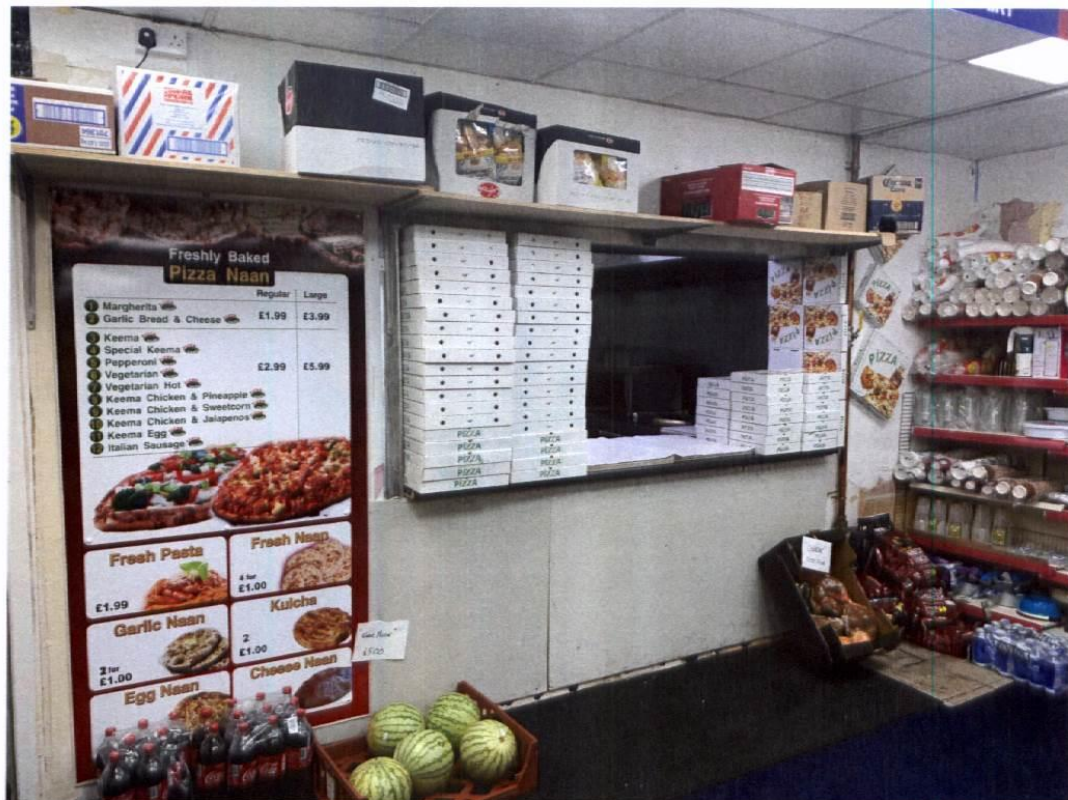
BR/S. Dealer bags.



B2 / 6. Glass pipes.



BR / 7. Grinders



BR/8 Pizza take away

Birmingham City Council, PO Box 17013, Birmingham, B6 9ES

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Kamaljit Panesar (on behalf of Donna Bensley Chief Inspector of Weights & Measures)
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
24/7 Convenience Express 41 Horse Fair	
Post town Birmingham	Post code (if known) B1 1DA

Name of premises licence holder or club holding club premises certificate (if known)
Mr Rahmat Hassanpoor

Number of premises licence or club premises certificate (if known)
2632

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

yes

✓

3) a member of the club to which this application relates (please complete (A) below)

☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes
☐

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Kam Panesar Birmingham City Council Trading Standards PO Box 16586 Birmingham B33 3EH Case Reference WK/009434637
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

✓	<input checked="" type="checkbox"/>
✓	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

In June 2019, Trading Standards received a referral in relation to 24/7 Convenience Express, 41 Horse fair, Birmingham, B1 alleging that they were selling different brands of cigarettes and also selling to under age children.

On Thursday 4th July 2019 Officers from Trading Standards conducted an inspection at the premises. The Premises Licence Holder Mr Rahmat Hassanpoor and the Designated Premises Supervisor, Bhupinder Rai were not present during the inspection.

The reason for the visit was explained to a gentleman who was working behind the counter. The relevant Notice was issued which he signed and retained a copy of. An inspection was carried out of the alcohol and tobacco.

Behind the counter, under the till, a black brief case was found which was locked. The officer asked the gentleman if he knew what was in the brief case but was told that it belonged to the owner. The officer then asked for the gentleman to contact the Designated Premises Supervisor. When the gentleman telephoned the Designated Premises Supervisor, he was told that the briefcase did not belong to him, he said that it belonged to someone who used to be there and he did not know what was inside the case and that he could not get in touch with the person who it belonged to.

The briefcase was placed in a clear bag and sealed with a tamper proof seal (No. 04869028). This was detained as evidence under The Consumer protection From Unfair Trading Regulations 2008, Trade Marks Act 1994 and Consumer Protection Act 1987 as the officers had reasonable cause to suspect that illegal tobacco products were contained within.

It was explained that the Designated Premises Supervisor must contact the Officer within 7 days or the case will be forced open. This was recorded in the Premises Search Book no. 183 and copy of a receipt was given.

On 9th July 2019, a representative emailed the officer on behalf of the Premises Licence Holder Mr Rahmat Hassanpoor stating that the briefcase was left at the shop by a customer, who never returned and as the keeper of the briefcase gave consent for it to be opened.

After waiting 7 days, on 12th July 2019 the briefcase seized was opened at the Offices of Trading Standards Service, Phoenix House, Garretts Green, Birmingham. Officers videoed whilst opening the briefcase and discovered a total of 57 packets of suspected illicit tobacco.

Please provide as much information as possible to support the application (please read guidance note 3)

In October 2018 Trading Standards received a complaint of counterfeit cigarettes being sold at 24/7 Convenience Express of 41 Horse fair, Birmingham, B1 1DA. On 22nd October 2018, an Officer visited the premises and warned the Premises License Holder Mr Rahmat Hassanpoor and gave him some information along with a Traders Notice No. 12691.

The further complaint was received in June 2019 the substance of which was similar to the earlier complaint. This resulted in the visit that has triggered this application; the cigarettes found were clearly concealed in the brief case and also during the inspection by officers customers were coming in and then turning away when they saw what was happening. It was clear to the officers that either illicit or single cigarettes were being sold at the premises.

It is felt that Mr Rahmat Hassanpoor, the premises licence holder and Bhupinder Rai, the Designated Premises Supervisor for 24/7 Convenience Express have breached two of the four licensing objectives. They have put the customer's health & safety at risk and gained an unfair trading advantage over other local businesses by evading the payment of tax on these products. Neither were on the premises at the time of inspection and RAI said that he didn't know who the briefcase belonged to shows that he has no control on the premises.

Officers have since discovered the code to unlock the case; this appears to be the date of birth of Mr Rahmat Hassanpoor's wife.

I request that the sub-committee consider a revocation of the premises licence in this instance.

Please tick ☒ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date **19 August 2019**

Capacity **Trading Standards Enforcement Officer**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

2632 / 7

Part 1 - Premises details:**Postal address of premises, or if none, Ordnance Survey map reference or description**24/7 Convenience Express
41 Horse Fair**Post town:**

Birmingham

Post Code:

B1 1DA

Telephone Number:**Where the licence is time limited the dates**

N/A

Licensable activities authorised by the licence

L	Late night refreshment
M2	Sale of alcohol by retail (off the premises)

The times the licence authorises the carrying out of licensable activities

Monday - Saturday	08:00	-	04:00	M2
	23:00	-	04:00	L
Sunday	10:00	-	04:00	M2
	23:00	-	04:00	L

The opening hours of the premises

Monday - Saturday	08:00	-	04:00
Sunday	10:00	-	04:00

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

Off Supplies Only

BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Rahmat Hassanpoor	
Post town:	Post Code:
Telephone Number: Not specified	
Email N/A	

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

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Rahmat Hassanpoor	
Post town:	Post Code:
Telephone Number:	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 10203	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 22/08/2017

SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

There was no application to remove any of the embedded restrictions applicable to this licence under the old licensing regime. Those embedded restrictions are detailed below. Licensable activities may continue beyond the times specified in the embedded restrictions up to the times the premises licence authorises the carrying out of licensable activities.

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means: a. On weekdays, other than Christmas Day, 8 am. to 11 pm. b. On Sundays, other than Christmas Day, 10 am. to 10.30 pm. c. On Christmas Day, 12 noon to 3 pm. and 7 pm. to 10.30 pm. d. On Good Friday, 8 am. to 10.30 p.m. The above restrictions do not prohibit: (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel; (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered; (c) the sale of alcohol to a trader or club for the purposes of the trade or club; (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

BIRMINGHAM CITY COUNCIL

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No adult entertainment or services to be provided under the authority of this licence.

A minimum of five C.C.T.V. cameras are to be operational on the premises.

All staff will be trained and there will be at least two members of staff on duty at all times, including one manager.

2b) Conditions consistent with, and to promote the prevention of crime and disorder

No enforceable conditions identified from operating schedule.

2c) Conditions consistent with, and to promote, public safety

A 24 hour recorded surveillance system is to be operational on the premises.

The Licence Holder is to ensure that panic buttons are operational at the premises so as to facilitate a prompt Police response to any disorder that threatens Public Safety.

2d) Conditions consistent with, and to promote the prevention of public nuisance

Alcohol is not to be sold or supplied to persons who are heavily intoxicated.

2e) Conditions consistent with, and to promote the protection of children from harm

Photographic proof of identification is to be required if necessary.

A challenge 25 policy will be operational at the premises. Anyone who appears under 25 will be asked for valid ID. If this cannot be provided there will be no sale of alcohol.

BIRMINGHAM CITY COUNCIL

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

3b) Committee conditions to promote the prevention of crime and disorder

N/A

3c) Committee conditions to promote public safety

N/A

3d) Committee conditions to promote the prevention of public nuisance

N/A

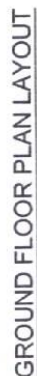
3e) Committee conditions to promote the protection of children from harm

N/A

BIRMINGHAM CITY COUNCIL

Annex 4 – Plans

The plan of the premises with reference number **102357-2632/7** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.



Liquor Store to be sealed and the door to be half hour fire resistant in accordance with BS476, 1972 as amended.

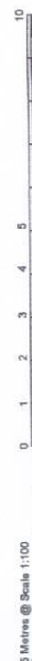
The smoke and heat alarm system is to be mains-operated and conform to BS5446, 1:2000 or BS5446, respectively: fire detection and fire alarm devices for dwellings, Part 1 specification for smoke alarms; or Part 2 specification for heat alarms

The emergency lighting installation is to comply with B55266, Part 1, 2002 and the attention of the design/installing engineer drawn to paragraph 3.1 (construction and records) of B55266, Part 1, 1988, which requires consultation with the Fire Authority. Prefabricated equipment is to conform with B5 EN3.

APPLICATION TO VARY A PREMISES LICENCE	Application Date: 11/05/2017 Time: 11:00 AM By: J.S. Uppal Sig: 	Location Formerly known as: 2nd City Liquor Premises to be known as: 24/7 Convenience Store 41 Horse Fair Birmingham West Midlands B1 1DA	Date 10/10/2017	Rev. -
			Onw 24/7CONVSTO-01	Onw 24/7CONVSTO-01

FIRE REGULATION SYMBOLS

	Exit Boxes
	Exit Directional Boxes
	Escape Lighting Points
	Fire Extinguisher Foam
	Fire Exting. Carbon Dioxide
	Fire Exting. Wet Chemical
	Auto Fire Smoke detector
	Audible Warning Device
	Hand Operated Personell
	Attack / Alarm Button
	Control Panel
	CCTV Camera
	Extent of licensed area





Birmingham
City Council

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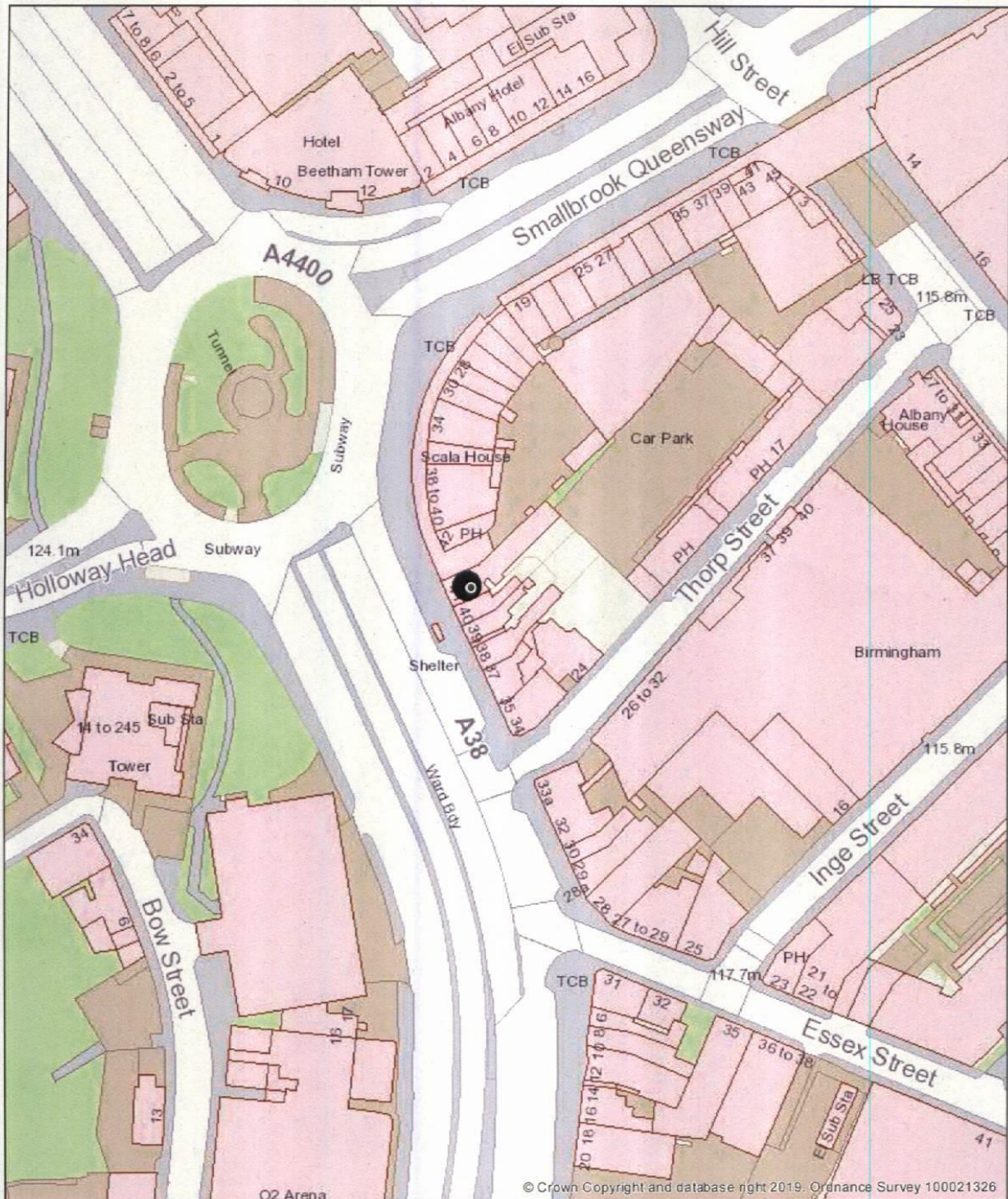
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Birmingham
City Council

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Date of Map Creation: 25/09/2019

Map Created By:

Scale: 1:1,250



From: Ben Reader
Sent: 03 October 2019 15:50
To: Licensing;
Cc: Bhapinder Nandhra
Subject: 24/7 Convenience Express, 41 Horse Fair, Birmingham B1 1DA

Licensing,

I have already submitted evidence to highlight what I believe are failures of the venue to promote the licensing objectives.

I have been made aware of an incident that has taken place at this location which furthers criminal activity in the locality.

There is still an ongoing criminal investigation into this incident and as a result, I am not in a position to disclose further details in a document which would enter the public domain. At the hearing, I will request private session to discuss this incident, including showing images.

I have copied the licence holders representative, Rob Edge into this email.

For transparency and disclosure purposes, I have provided Rob with details of this incident over the phone, but have not shown any images.

Thank you

Ben

Police Constable 2413 Ben Reader
Licensing Department
Birmingham West Local Policing Unit
Police Headquarters,
Lloyd House,
Birmingham,
B4 6NQ

Preventing crime, protecting the public and helping those in need

This email is intended for the addressee only and may contain privileged or confidential information. If received in error, please notify the originator immediately. Any unauthorised use, disclosure, copying or alteration of this email is strictly forbidden. Views or opinions expressed in this email do not necessarily represent those of West Midlands Police. All West Midlands Police email activity is monitored for virus, racist, obscene, or otherwise inappropriate activity. No responsibility is accepted by West Midlands Police for any loss or damage arising in any way from the receipt or use of this email.

Complaint Details - [REDACTED]

ALERT: 13.08.19 On stop - see remarks (AW)

DOCUMENT 1

Property

Address **24/7 Convenience Express, 41 Horse Fair, Birmingham, B1 1DA**
Telephone _____ Fax _____

Area **TSAA - Advice & Assistance**

Worksheet

Source

Name [REDACTED]

Address

Home Tel

Work Tel

Mobile

Fax

Email [REDACTED]

Department **TS - Trading Standards**

Date Recd

16/10/2018 Time **13:17**

Application **CPTS - Request for Assistance TS**

Method

CD - Consumer Direct Helpline

Task Group **A01 - Counterfeiting**

Recd By

COND - Consumer Direct

Task **0113 - Tobacco**

Source

CD - Consumer Direct

Details **Counterfeit Cigarettes - CRA/nAD - CPR Breach**

Message **24/7 Convenience Express, 41 Horse Fair, BIRMINGHAM, B1 1DA**

Officer [REDACTED]

Target

Actual

Time Taken **10**

First Response

23/10/2018

23/10/2018

Next Action

Completed

11/01/2019

23/10/2018

Due

Allocated **17/10/2018**

Outcome

IN01 - Information Supplied

References

Consumer Direct Referer **15171061**

Complaints

Subject Details

Title

Initials

Tel

First Name

Fax

Family Name **24/7 Convenience Express**

Email

Section

Breach

Statute

TS Category **Enforcement**

Cost of Goods

Purchase Date **14/10/2018**

Purchase Time

Redress Value

OFT (Goods/Services) **CH01 - Cigarettes**

OFT (Method of Selling)

021 - Trader Premises

OFT (Complaint Type) **08G - Counterfeiting**

Country of Origin

GB - United Kingdom

FSA Type

Previous Complaints

(Last 10 not including this one)

Reference

Received

Details

Status

Outcome

Officer

WK/009408637

19/06/2019

Shop selling lots of different brands of cigs + potential

Resp

JU09

1XZ

Remarks

15171061

Consumer Contact Method 04 - E-Mail

15/10/2018 21:38:05, Reply to [REDACTED]

Duty Officer

Birmingham Trading Standards

Re: fake Marlboro

The address of the shop where I purchased is:

24/7 Convenience Express

41 Horse Fair, Birmingham, B1 1DA.

Many thanks

Baatoor

15/10/2018 21:38:05, Survey: NA

Mode of Purchase: 021

Purchase Date: 2018-10-14

Payment Amount: 11

(GBP)

Payment Method: 01

Contact Channel: 102

16/10/2018 12:52:09, Response Sent to C.

Dear [REDACTED]

Thank you for your enquiry to Citizens Advice consumer service dated 15/10/2018. Your reference number is ZC15171061.

We understand from your email that you bought some cigarettes that you believe are counterfeit.

Your rights and obligations

Under the Consumer Rights Act all goods supplied by a trader should be as described. This means they should match any description you relied upon while deciding on your purchase. If the trader fails to meet these requirements, you may be able to claim a suitable remedy as outlined below.

As you are within the first 30 days from purchase, you are within your rights to exercise your Short Term Right to Reject, which gives you the ability to reject goods for a full refund. If you have consumer some of the cigarettes it may be more appropriate to claim a price reduction.

It would be down to you to prove the goods do not meet their description. You may wish to have the goods inspected independently to help you prove this.

In addition to the above you may also be able to claim damages to cover any financial losses you have incurred as a direct result of the situation you have described.

Please bear in mind that if you are looking to claim damages you would need to provide proof that you have incurred them and that they are from a direct result of what has happened. When making a damages claim you will need to ensure the claim is mitigated i.e. kept as low as possible and that your claim is reasonable.

Your next steps

You could request that they provide your chosen remedy and set them a final deadline to do so via their complaints procedure; you will need to ask for this procedure. If the trader does not have a complaints procedure, or if you are unable to obtain this information, we would suggest to send the trader a letter or email to raise a complaint.

Ensure you keep a copy of any communication you have with them and if this includes sending letters I would suggest you send them using a recorded delivery method, this will allow you to track the letter and have proof that it has been sent and received. An example of a recorded delivery method would be the "Recorded Signed For" service your local post office could provide you with. You can find guidance on what to include in a letter by [clicking here](#).

It would be worthwhile checking to see if trader is a member of a "Certified Alternative Dispute Resolution Scheme" which is a third party who may be able to help you resolve the issue if you cannot do so with the trader after following their complaints process. It would be worth checking the terms of reference of the scheme if they are a part of one, as these would tell you when they would offer you additional assistance.



Birmingham
City Council

No. 12691

Document 2

Mr HASSANPOO

M 24/7 CONVENIENCE STORE

11 HURST ROAD

B1 1DN

Enquiries to: PAUL ELLSON

Telephone: 0121 303 9132

Date: 22/10/18

Legislation:

THIS DEPARTMENT HAS RECEIVED

INFORMATION THAT YOUR TOBACCO

(MARIJUANA) HAVE BEEN SUPPLIED FROM

YOUR PREMISES. THIS IS ILLEGAL, ALL

TOBACCO SELLERS MUST COMPLY FULLY

WITH ALL UK LEGISLATION. STANDARD

TOBACCO NOTICE TO BE DISPLAYED

1) ACS - TOBACCO DISPLAY

2) BC - TOBACCO - NICOTINE INHALING PRODUCT

3) BC - TOBACCO PACKAGING

4) BC - ALCOHOL

5) BC - UNLAWFUL SALES

6) TOBACCO POINT SUPPLIED

FURTHER VISITS MAY BE DONE

Received by: [REDACTED]

Authorised Officer: Paul A. Ellis

SEE IMPORTANT NOTICE OVERLEAF

TRADING STANDARDS
Regulation and Enforcement
PO Box 16586
Birmingham
B33 3EH

Page 37 of 102



FS 26188



INVESTOR IN PEOPLE

CUSTOMER
SERVICE
EXCELLENCE



The Government Standard

47.27

Complaint Details - [REDACTED]

ALERT: 13.08.19 On stop - see remarks (AW)

DOCUMENT 3

Property

Address 24 7 Convenience Express, 41 Horse Fair, Birmingham, B1 1DA

Telephone Fax

Area TS - Trading Standards

Worksheet

Source

Name [REDACTED]

Address [REDACTED]

Home Tel

Work Tel

Mobile [REDACTED]

Fax

Email [REDACTED]

Department TS - Trading Standards

Date Recd 19/06/2019 Time 09:35

Application CPTS - Request for Assistance TS

Method E - E-Mail

Task Group A09 - Underage Sales

Recd By [REDACTED]

Task 0903 - Cigarettes

Source GP - General Public

Details Shop selling lots of different brands of cigs + potential underage sales. SEE REMARKS TAB.

Message

Officer [REDACTED]

Target

Actual

Time Taken 365

First Response 26/06/2019 21/06/2019

Next Action

Completed 12/09/2019 19/07/2019

Due Allocated 19/06/2019 Outcome JU09 - Justified Prosecution

References

No References set up

Complaints

Subject Details

Title

Initials

Tel

First Name

Fax

Family Name

Email

Section

Breach

Statute

TS Category Enforcement

Cost of Goods

Purchase Date

Purchase Time

Redress Value

OFT (Goods/Services)

OFT (Method of Selling)

OFT (Complaint Type)

Country of Origin

GB - United Kingdom

FSA Type

Previous Complaints (Last 10 not including this one)

Reference	Received	Details	Status	Outcome	Officer
[REDACTED]					

Remarks

Can this be raised as a job please..

~~Trading Standards Officer~~
Trading Standards Officer
Birmingham Trading Standards
P O Box 16586
Birmingham
B33 3EH

0121 303 9144

www.birmingham.gov.uk/tradingstandards

CAB Consumer Advice Line: 08454 04 05 06

CAB Website: <http://www.adviceguide.org.uk/>

Fair Regulation for all - achieving a safe, clean, green and fair trading city for residents, business and visitors

From: ~~Trading Standards Officer~~
Sent: Tuesday, June 18, 2019 4:43 PM
To: ~~Trading Standards Officer~~
Subject: Shop selling illicit tobacco

~~Trading Standards Officer~~
First complaint from other traders was in early April this year.
Once again other traders are complaining -
24/7 Convenience Shop.
Horse Fair / Bristol St.
B'ham.
B1 1DA.
Selling lots of different cigs & baccy. Plus single cigs to youngsters.
Paul

Regards

~~Trading Standards Officer~~
~~Trading Standards Officer~~
~~Trading Standards Officer~~
~~Trading Standards Officer~~

Imperial Tobacco Limited and Imperial Brands PLC Companies
www.imperialbrandspc.com

This email is confidential and may contain information that is privileged and exempt from disclosure by law. If you have received it in error, please contact the sender immediately by return email and then delete it from your system; you should not copy it or disclose its contents to anyone. Imperial Tobacco Limited and Imperial Brands PLC Companies reserve the right to monitor all email communications through their networks. Emails are not secure and cannot be guaranteed to be error free as they can be intercepted, amended, lost or destroyed, or contain viruses. Anyone who communicates with us by email is taken to accept these risks.

Related Addresses

Address	Telephone	Type
No Related Addresses found.		

Search Book No.: 183



PREMISES SEARCH BOOK

Operation Name / Case Reference:

Premises Name and Address:

247 CONVENIENCE EXPRESS
41 HORSE FAIR
BHAM, B1 1DA

Officer in Charge of Search:

Date of search:

Exhibits Officer:

Reference Number(s) of Continuation Book(s) used:

<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>



**NOTICE OF POWERS AND RIGHTS
POWERS OF ENTRY WITH / WITHOUT WARRANT**

**Police and Criminal Evidence Act 1984, Code of Practice B
Consumer Rights Act 2015**

This notice is issued under the above legislation to advise you of your rights, and of the officer's powers, during this inspection of your premises. Your premises are being inspected because the officer in charge suspects that a criminal offence may have been committed.

Name and Address of Premises:

247 CONVENIENCE EXPRESS 41 HORSE FAIR BHAM B1IDA	DPS. RAHMAT HASSANPOOR
---	------------------------------

This inspection is being carried out using statutory powers contained within the legislation detailed below. The statutory powers available may vary depending upon the legislation concerned. Some of the powers the officer may wish to exercise have been summarised, as far as practicable, on the reverse of this notice, together with a summary of your rights.

This inspection is being conducted under powers contained within the following legislation:

TOBACCO PRODUCTS (MANUFACTURE, PRESENTATION AND SALE) (SAFETY) REGS 2007, TOBACCO AND RELATED PRODUCTS REGS 2016, TRADEMARKS ACT 1994, CONSUMER PROTECTION FROM UNFAIR TRADING REGS 2008
--

The purpose of the inspection is:

INSPECTION AS A RESULT OF COMPLAINT. BRIEFCASE - PLEASE CONTACT WITHIN 7 DAYS OR WE WILL FORCE OPEN
--

Date of Inspection:

Time of Inspection:

Entry Warrant Used:

4/7/19

12.30 pm

Yes ☐

No ☐

You should be advised that obstructing a duly authorised officer is a criminal offence. Obstruction includes where a person intentionally obstructs an officer, intentionally fails to comply with instructions given by an officer, without good reason fails to give an officer assistance or information reasonably required and/or makes a statement or a reckless statement which they know is false or misleading.

I have read and understood the details contained within this notice and have received a copy for my records.

Signed:

[Signature]

Print Name:

ASH GATA

Position:

EMPLOYEE

Authorised Officer Signature:

[Signature]

Print Name:

K PANESAR

Position:

ENFORCEMENT OFFICER



SEIZED PROPERTY RECORD

Occupier's Name:

Date:

RAHMAT HASSANPOOR

4/7/19

Premises Name and Address:

247 CONVENIENCE EXPRESS
41 HORSE FAIR
BHAM BIDA

Officer in Charge Name:

Officer in Charge Telephone:

K PANESAR

0121 303 9135

Exhibit Ref	Description	Location Found	Time Found	Seal Number	S.50/51 Seizure
1	BLACK BRIEFCASE	BEHIND COUNTER UNDER TILL	12.45pm	04869028	

Exhibits Officer's Signature:

Occupier's Signature:

DOCUMENT 5

WITNESS STATEMENT

Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9;

OPERATION NAME

URN

Statement of Paul Ellson

Age if under 18 (if over 18 insert "over 18") Over 18

Occupation Trading Standards Enforcement Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:

(witness)

Paul A Ellson

Date

1/10/19

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am employed by Birmingham City Council which is the local Weights and Measures authority and I am authorised under both Trading Standards and Consumer Protection regulations. I am authorised under both The Standardized Packaging of Tobacco Regulation 2015 and The Tobacco and Related Products Regulations 2016.

On 09 July 2019 I was asked by my colleague Enforcement Officer Kamaljit Panesar to attempt to open a black briefcase. That she and Enforcement Officer Warmington had seized from the premises of 247 Convenience Express, 41 Horse Fair, Birmingham B1 1DA, on the 4 July 2019, which was in a sample bag with a number 04870564.

The case was opened by a process that involves locking off each rota on combination lock using a sequence of combinations from 1 to 999. The lock combination was confirmed when I was informed that the date of birth of Sofia Hassanpoor a relation of the licensee whose date of birth 13 January 1985. The combination was on the left rota 130 and right rota 185.

I subsequently informed Enforcement Officer Kamaljit Panesar that the lock had been breached and was ready to be examined. At no time was the briefcase removed from the property store.

Signature

gg/tss/2219/pe/sv

Signature witnessed by





WITNESS STATEMENT

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)
Magistrates Courts Act 1980 S.5B.*

Statement of (Individual)
Paul Martin GREEN

Age of witness: over 18. B 10.4.48

Occupation of witness: Anti-Illicit Trade Executive

I am employed by Imperial Tobacco Ltd as a Regional AIT (Anti Illicit Trade) Executive. As part of my duties I am responsible for working with Trading Standards Officers and other Law Enforcement Agencies on the identification of counterfeit cigarettes and tobacco products

I have been employed by Imperial Tobacco Ltd since December 2000. I am authorised to make this declaration which I do so from my own knowledge unless otherwise indicated.

On Monday, 22nd, July, 2019, I received from Mr. Kam PANESAR, Enforcement Officer with Birmingham City Council Trading Standards the following sealed package –

Bag seal number 04870542. Containing 2 X 20 pkts of Richmond King Size cigarettes.

I examined these pkts.

I can now confirm that the print and materials used in the manufacture of the pkts of cigarettes was not consistent with Imperial Tobacco Ltd specifications.

Consequently, I can state that the pkts which I have examined were not made by Imperial Tobacco Ltd nor did Imperial Tobacco Ltd authorise their manufacture or sale.

They are in fact counterfeit.

I can confirm that Imperial Tobacco Ltd own the registered trade mark for Richmond. I produce copy of the trade mark certificate in respect of this brand PMG 1 refers.

A handwritten signature in black ink, appearing to be 'JMG' followed by a large loop.

Imperial Tobacco Limited's products are subject to Regulatory and Quality Control. I cannot say if similar criteria are applied in the production of counterfeit products.

I returned the samples, resealed, to Mr. PANESAR.

A handwritten signature in black ink, featuring a large, stylized 'S' or 'J' shape with a horizontal line extending to the right.

This statement, (consisting of2... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or not believe to be true.

Date: 22nd. July, 2019.

A handwritten signature in black ink, featuring a large, stylized 'S' or 'J' shape with a horizontal line extending to the right.

PMG 1.

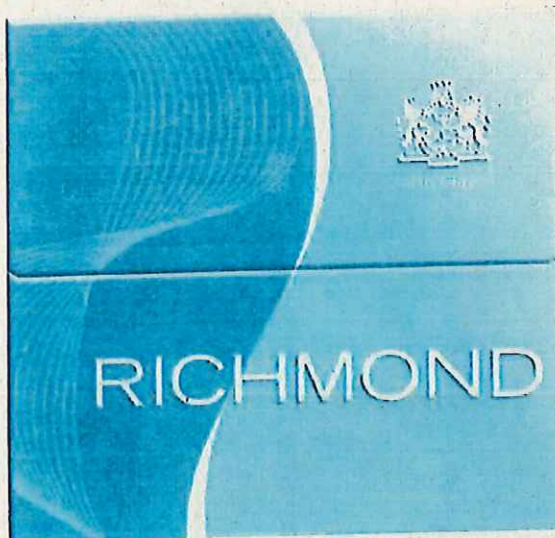
TRADE MARKS REGISTRY



REGISTRATION CERTIFICATE

Trade Marks Act 1994 of

Great Britain and Northern Ireland



The marks have been registered in respect of:

Class 34:

Tobacco, whether manufactured or unmanufactured; tobacco products; tobacco substitutes, none being for medicinal or curative purposes; cigarettes; cigarillos; cigars; hand-held machines for making cigarettes; cigarette tubes; cigarette filters; cigarette papers; matches and smoker's articles.

In the name of Imperial Tobacco Limited

The mark on this certificate was filed in colour and is reproduced here in colour. It has been scanned as accurately as our equipment allows but you should refer to the application form, which is available for public inspection, and any colour standard provided by the applicant to determine the exact colour(s).

Signed this day at my direction

John Alty

JOHN ALTY, Registrar of Trade Marks Intellectual Property Office

DATE 24 June 2011

Intellectual Property Office is an operating name of the Patent Office

TRADE MARKS REGISTRY

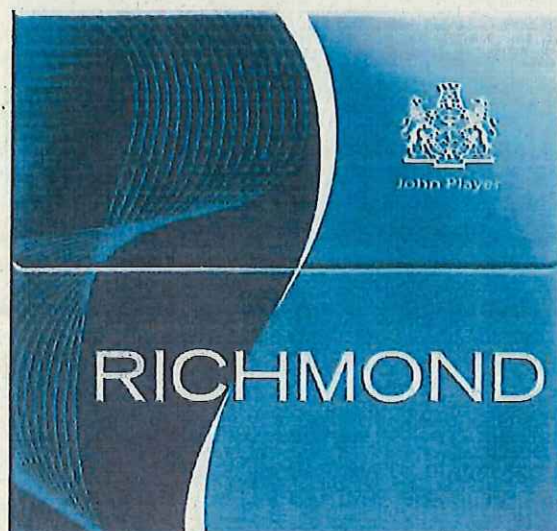
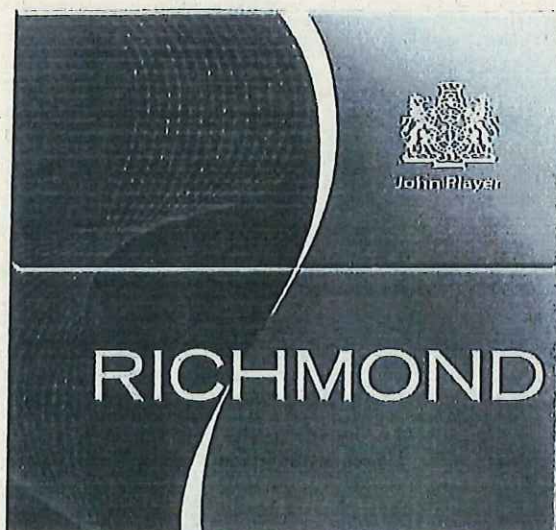
Trade Marks Act 1994 of



REGISTRATION CERTIFICATE

Great Britain and Northern Ireland

The marks shown below have been registered as a series of three marks under No. 2571260 as of the date 04 February 2011.



Premises Licence Review
24/7 Convenience Express,
41, Horse Fair, Birmingham, B1 1DA

Licensing Sub-Committee
0930 HRS - 9 October 2019

Documents lodged on behalf of the Premises Licence Holder

Acting for the applicant, I am instructed to explain at the subcommittee, exceptional circumstances that have led to this point.

Understanding that the premises falls very close to the CIZ, we are offering a high level of intensive staff training and support to the Premises Licence Holder and his staff in order to move this business forward.

Additionally, we wish to remove the current Designated Premises Supervisor, and replace with a new DPS to the approval of West Midlands Police licensing team.

The following documents are now submitted in support of the Premises Licence Holder, wishing to demonstrate his efforts of showing due diligence:

- Premises Licence and Site Operations Training Manual
- Challenge 25
- Refusals register
- Staff Training documentation
- DPS Authorisations form
- Signage for customers - No Single can/bottle sales
- Medical in confidence letter {Being submitted on the day}

During the hearing, my client wishes to offer the following conditions; as evidence that he is very willing to work with those who have shown concerns for these premises:

1. Condition on the licence - No single can sales above 6.5% of beer or cider {in order to deter "street drinkers" from frequenting the premises. {In addition to signage stating this placed in the shop window}
2. Closing the premises for a two-week period {Voluntary suspension of the premises licence] and undertaking to carry out comprehensive Training of all staff in the Licensing Act 2003, prior to the store opening.
3. No items of alcohol on display within the open windows of the shop front.
4. Electronic or visual "till prompts" to be installed.

Premises Operations & Training Manual

This Operation Training Manual contains instructions and guidance covering policies and procedures. The intention of this manual is to:

- Assist in staff training and awareness.
- Act as an 'aide memoire' for all staff
- Something for staff to reference information quickly and easily
- Provide guidance to staff as part of their on-going training and development.

The Training Regime

A reputable Licensing Consultant, will train all on-site staff, including the PLH and DPS . They will be required to study the training material provided and then satisfactorily pass a subsequent test before being authorised to sell alcohol. It is important that all staff members understand this information, should a staff member not satisfy the trainer that they understand all of this then the DPS will not authorise that staff member.

You are at risk of prosecution for making unauthorised sales.

Refresher training must be undertaken at least twice per year; to sell alcohol and some refresher quizzes will take place in order to ensure staff are kept up to date with current legislation.

Due Diligence Measures

- Training Statement, to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).
- Staff Authorisation sheet, to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).

All staff training will be recorded as well as individual staff authorisations to sell alcohol. All staff will be issued with their own confirmation of having received their initial training, keeping the originals for premises records, and being made available to Responsible Authorities as required.

All current staff listed on the authority record and it will contain their signature as proof of their understanding of the training they have received and the responsibilities that they hold in the sale of alcohol. Subsequently as they are re-authorised to sell alcohol on a regular basis this should form part of their refresher training and they are indicating by signing the authority sheet again that they are still fully conversant with the legislation relating to the sale of alcohol.

New staff members will be then be added as they join, subsequently signing again on a regular basis thereafter, after each refresher. The alcohol training and authority sheets are for quick reference by any of the responsible authorities, which may visit the store, and for you to identify and maintain all training requirements.

Premises licence – Licensable Activities

You can only carry out the sale of alcohol off the premises during the licensable hours of the premises licence. There are large penalties for those selling outside permitted hours, plus a possible review of the premises may be called.

Staff Authorisation

Under the terms of the grant of the premises licence: It is an offence for a person to serve alcohol to anybody unless you have been authorised to do so by a personal licence holder. It is an offence to sell alcohol to anybody from premises without a premises licence and/or without a named Designated Premises Supervisor who is in possession of a personal licence.

Underage Sales

It is an offence to sell alcohol to anyone under the age of 18, or to anyone purchasing alcohol on behalf of someone under the age of 18. It is an offence for any person under the age of 18 to buy or attempt to buy alcohol. It is an offence for anybody under 18 to sell alcohol unless authorised to do so by a responsible person. Responsible persons are defined as:

- The holder of the premises licence
- The Designated Premises Supervisor (DPS) if any, for the Premises Licence
- An individual aged over 18 authorised in writing to sell alcohol for consumption on or off the premises by either the Premises Licence Holder or the Designated Premises Supervisor.

It is an offence to allow alcohol to be served to someone under 18, if the staff member could have prevented it. The premises will operate a Challenge 25 scheme, and this will be a condition of our licence, then each customer wishing to purchase alcohol who is unknown to the staff serving as a person who is over

18 years of age must be asked for satisfactory identification to prove their age. If they cannot or are not asked, then the staff member may be committing an offence should the condition wording be specific in this regard.

If a customer looks, under 25 they **Must** be challenged to prove that they are over 18 by producing photographic proof of age, which must include a photograph and state the full date of birth of the customer. The only forms of proof of age that we will accept are:

- A passport
- A photographic new style driving licence
- A PASS accredited Proof of Age ID card such as: the Citizen Card

Do not accept any other form of ID under any circumstances

Protection of Children from Harm

To protect children from harm and comply with the law, the vast majority of retailers take under age sales very seriously. There can be serious consequences for businesses, licensees and individual members of staff. Penalties for breaking the law include substantial fines, loss of licences, even imprisonment. Individual members of staff can be taken to court and may be prosecuted. They could also lose their job.

Alcohol

The age at which product alcohol can be legally served and bought is 18. Do not sell to over 18s who you think may be purchasing for under 18s. Both the owner of the business and the seller may commit a criminal offence if alcohol is sold to an under 18. If you are found guilty of selling alcohol to a person under 18 the premises licence to sell alcohol is at risk.

Under 18s cannot legally purchase alcohol. Always ask for proof of age before you serve and check the details. You can face prosecution and a criminal record or alternatively the police can issue on the spot fine of £90 if under age sales are made.

Signs of Intoxication

There are many signs that a person may display as they become intoxicated. As blood alcohol levels rise, differences can be noticed in coordination, appearance, speech and behaviour.

An intoxicated person may typically show some of the following signs:

i. Behaviour and Physical Signs

Becoming loud, boisterous and disorderly Dropping possessions, rambling conversation

Becoming argumentative Fumbling and difficulty in picking up change Loss of train of thought e.g. forgot to pay for goods Annoying other customers and staff Swaying and staggering Difficulty in paying attention Becoming incoherent, slurring or making mistakes in speech Difficulty walking straight Not hearing or understanding what is being said

Becoming physically violent Bumping into fixtures/other customers Drowsiness, dozing or sleeping while in premises becoming bad-tempered or aggressive Glassy/bloodshot eyes and lack of focus Observe customers in difficulty lighting cigarettes whilst outside the premises using offensive language. Falling down. Vomiting Exhibiting inappropriate sexual behaviour Flushed face Dishevelled clothing Person smells of alcohol

DUTY TO REFUSE SERVICE

It is your duty to refuse to serve under 18s and you must refuse to serve a person if they are or appear to be drunk.

Staff Guidance - How to refuse a sale

Sometimes refusing a sale will make the customer angry. Here are some tips to help you handle difficult refusals.

Ask for proof of age. This helps the situation, as it is not a direct refusal. It says that you will make the sale if they can produce valid proof of age. Only accept proof of age with a photo, and only if you are happy it is correct.

Refuse politely. If necessary, repeat your refusal clearly.

Keep calm. Do not get into an argument.

Explain briefly, why you cannot sell. Try saying

- 'I'm sorry; if I serve you I might be breaking the law.'
- 'We have a policy of 'no proof of age, no sale.'
- 'Our company policy is not to sell these products to young people.'

Show customers notices, posters and stickers that indicate you will not serve alcohol to under 18s.

Be positive in your refusal. Have a firm tone of voice, be confident and use direct eye contact. The law is on your side and you are doing the right thing. **Call your supervisor or manager for support if necessary.**

Record details in your premises' refusal register.

www.licence-leader.co.uk
rob.edge@licence-leader.co.uk
Mob. 07982917819

Report incidents where you have felt threatened and/or intimidated.

Remember, ***you commit an offence*** if:

- You sell alcohol to a person who is under 18
- You allow alcohol to be sold to someone who is under 18 when you could have prevented that sale
- You sell alcohol to a person who is drunk
- You sell alcohol to a companion of a person who is drunk for the drunken person's consumption
- You allow alcohol to be sold to someone who is drunk when you could have prevented that sale

On the spot fixed penalty, notices can be issued for serving alcohol to someone who is drunk or under age with prosecution also being a possibility.

If someone is drunk or disorderly they can be ejected from the premises and the Police must assist if requested to do so - if you think a customer should be ejected please ensure that you seek assistance from a colleague and follow your company procedures in order to deal with the incident properly and safely.

**Keep calm. Don't get into an argument.
Explain briefly why you cannot sell.**

Try saying

- 'I'm sorry; if I serve you I might be breaking the law.' 'We have a company policy of 'no proof of age, no sale.'

Staff Training

Staff member [Full name]	
DPS or Personal Licence Holder delivering training [Full name]	

A new checklist will be used to record when;

- a new staff member is appointed
- changes to the premises licence or policies have occurred
- when carrying out refresher training for existing staff.

This is paramount to our business and to demonstrate that we are showing our best endeavours to comply with the requirements of our premises licence and the licensing objectives of 2003 Licensing Act.

1. What the law says about selling alcohol & the penalty staff and the business can face if an underage sale occurs?	
2. That the premises has to have a licence to sell alcohol. That staff understand what the licence requires and the consequences for them and the business should any person sell alcohol in breach of any aspect of the alcohol licence.	
3. What the alcohol licence and conditions of the operating schedule require. EG: [i] ensuring alcohol is only sold during licensing hours, [ii] mandatory conditions as well as any conditions that are set out in the Annexes to the alcohol licence that are specific to our individual premises,	
4. Why selling alcohol underage and underage drinking is a problem for local communities, as well as the harm caused to underage drinkers themselves?	
5. What our policy is for challenging customers for proof of age? Challenge 25	
6. What our policy is, for the types of proof of age (ID) staff should accept?	

7. How to operate the 'till prompt' system installed?			
8. The signs to look out for that the customer may be buying alcohol for others who are underage ('Proxy purchasing')?			
9. What staff should do if they suspect the person they are serving is a 'proxy purchaser'?			
10. Where and how to record any refusals to sell, challenges for proof of age, use of fake ID or any other incidents such as aggressive or abusive customers etc?			
11. Why it is important to record incidents/refusals to sell?			
12. The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law?			
13. What the policy is for an under 18 year old to get authorisation for sales involving alcohol?			
Full name of person trained	Signature	Position in shop	Date dd/mm/yy
Full name(s) of trainer(s)			
Full name of Designated Premises Supervisor or personal licence holder, authorising person trained to sell alcohol. (NB Under 18's cannot be authorised to sell alcohol).			

UNDER 25?



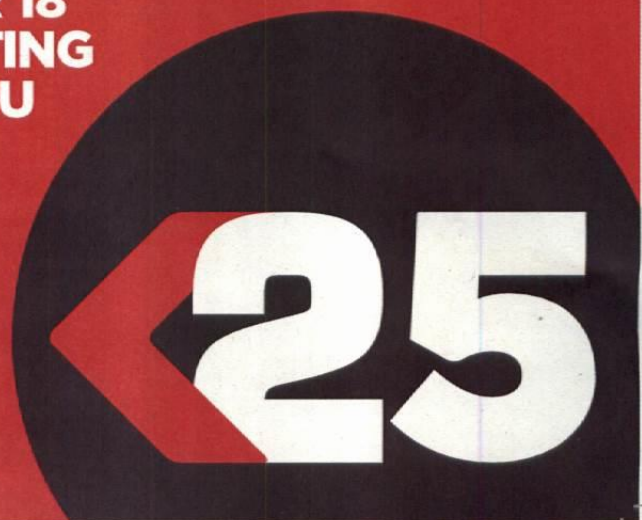
**IF YOU ARE LUCKY
ENOUGH TO LOOK UNDER
25 YOU WILL BE ASKED
TO PROVE THAT YOU ARE
AGED 18 OR OVER WHEN
YOU BUY ALCOHOL**

**IF YOU ARE UNDER 18
YOU ARE COMMITTING
AN OFFENCE IF YOU
ATTEMPT TO BUY
ALCOHOL**



drinkaware.co.uk
for the facts about alcohol

WWW.CHALLENGE25.ORG



REFUSALS LOG BOOK

24/7 Convenience

If a customer appears to be under 25 and fails to produce a valid ID photo, the sale should be **Refused** and recorded in this refusals log. Staff should write an entry whenever an age-related sale is refused.

No ID - No Sale

Licence Leader Limited
Alcohol Licensing Services
www.licence-leader.co.uk
rob.edge@licence-leader.co.uk
07982917819

www.licence-leader.co.uk rob.edge@licence-leader.co.uk
Rob: 07982917819

Staff Training {example test paper}

Licensing Act 2003.

24/7 Convenience

Candidate's knowledge of the Licensing Act 2003 is assessed by a multiple choice examination containing 40 questions. The duration of the examination is 60 minutes.

Candidates have to correctly answer a minimum 28 out of 40 questions to pass.

The answers to each of these questions are shown at the bottom of this paper.

1. When selling alcohol with a personal licence, which other licence is required?
 - A) Licence from the Magistrates Court
 - B) Occasional Licence
 - C) Premises licence or Temporary Event Notice
 - D) Food Licence

2. Which of the following premises cannot be licensed under the Licensing Act 2003?
 - A) A Supermarket near a school
 - B) A Motorway Service Station**
 - C) A Football Stadium
 - D) A Field

3. What is the minimum age at which a person can apply for a Personal Licence?
 - A) 25
 - B) 16
 - C) 21**
 - D) 18

4. Under the Licensing Act 2003 it is an offence to serve alcohol to a person who is:
 - A) A Police officer in uniform
 - B) A local Magistrate
 - C) A Driving instructor
 - D) Drunk and disorderly**

5. The Licensing Act 2003 states that alcohol is a drink with ABV (Alcohol by Volume) strength of above:
 - A) 0.2%
 - B) 1.2%
 - C) 0.05%
 - D) 0.5%**

6. How many millilitres are there in a unit of alcohol?
 - A) 8**
 - B) 5

- C) 80
- D) 10

7. Which one of the following is defined as an unauthorised licensable activity?

- A) Sale of alcohol to a person under the age of 18
- B) Allowing illegal drug use in a public house
- C) **Selling alcohol from a premises without a premises licence**
- D) Selling alcohol to a person who is already intoxicated

8. Who must publish a Statement of Licensing Policy?

- A) The Police
- B) **The Local Licensing Authority**
- C) The Premises Licence Holder
- D) The Lord Mayor

9. Who must be notified if a Personal Licence holder is charged with a relevant offence?

- A) **The court at which the personal licence holder is appearing**
- B) The Chief Officer of Police
- C) Department of Culture, Media and Sport
- D) The Licensing Authority

10. What rank of Police officer can make an immediate closure order for up to 24 hours for public disorder at licensed premises:

- A) Chief Officer of Police
- B) Local Community Officer
- C) A Superintendent
- D) **Inspector or above**

11. When is the sale of alcohol permitted from a vehicle?

- A) Never
- B) When travelling at low speed
- C) At any time
- D) **When the vehicle is stationary**

12. What is the maximum number of people who may attend a temporary event at any one time?

- A) 75
- B) 750
- C) **499**
- D) 270

13. Which of the following is not a licensing objective?

- A) Protection of Children from Harm
- B) Promotion of Public Safety
- C) **The Provision of Food Safety Standards**

D) The Prevention of Crime and Disorder

14. As a general guide, the body breaks down alcohol at the rate of:

- A) 3 units per hour
- B) 1 unit per hour**
- C) 2 units per hour
- D) 0.5 units per hour

15. Who can object to a particular person being specified as the Designated Premises Supervisor?

- A) The Licensing Team
- B) Trading Standards
- C) The Chief Officer of Police**
- D) A local Magistrate

16. Over how many years should a Licensing Authority review their Statement of Licensing Policy?

- A) 5 years**
- B) 10 years
- C) 3 years
- D) 7 years

17. For which one of the following offences could a personal licence holder use the defence of Due Diligence in a court of law:

- A) Selling liqueur chocolate to a person over the age of 16 years
- B) Selling alcohol to a young person under the age of 18**
- C) Allowing the consumption of alcohol with a table meal to a 17 year old
- D) Selling more than 8 cans of larger to one person in one transaction

18. When appealing against the refusal to grant a personal licence, the appeal hearing would firstly be heard by:

- A) The Licensing Committee**
- B) DVLA
- C) The Magistrates Court
- D) Licensed Victuallers Association

19. If duty has not been paid on goods in your licensed premises, who has the power to seize the goods:

- A) An Environmental Health Inspector
- B) A Community Police Officer
- C) HM Revenue and Customs Officer**
- D) Trading Standards Officer

20. At what age can an unaccompanied child enter and remain on licensed premises:

- A) 25
- B) 21
- C) 18
- D) 16

21. The initial grant of a personal licence is valid for:

- A) 5 years
- B) 3 years
- C) 10 years
- D) Forever

22. Premises which are authorised for the retail sale of alcohol must have:

- A) A beer chiller cabinet
- B) A personal licence holder
- C) A Designated Premises Supervisor (DPS)
- D) At least 2 members of staff with a training certificate

23. What is the maximum penalty a court can impose on a personal licence holder who is convicted of unauthorised licensing activities:

- A) Level 5 fine of up to £5000
- B) £20,000 fine and/or 3 month's imprisonment
- C) £20,000 Fine and/or 6 months imprisonment
- D) Level 2 of up to £500

24. How many temporary event notices can a Personal licence holder issue each year:

- A) 50
- B) 12
- C) 25
- D) 40

25. What is the maximum duration of a temporary event notice?

- A) 168 hours
- B) 96 hours
- C) 3 days
- D) 48 hours

26. Failure to notify the Licensing Authority of change of name or home address will result in a fine of up to:

- A) £500
- B) £1000
- C) No fine at all

D) £250

27. What must an operating schedule include?

- A) A detailed list of all products sold
- B) The facilities provided for the customers**
- C) A price list
- D) The names of all staff or Personal Licence holders

28. When may a Police Officer enter licensed premises?

- A) When he/she is thirsty
- B) At any time during normal hours
- C) When requested to do so by the premises supervisor
- D) At any time to detect offences under the Licensing Act 2003**

29. If suspected of drink driving and breathalysed, at what measurement is your BAC (blood alcohol content) above the legal limit?

- A) 80mg in 100ml
- B) 10mg in 80ml
- C) 35mg in 100ml
- D) 10mg in 100ml**

30. Who can make an objection to the grant of a Personal Licence?

- A) A family member
- B) Child Protection Authority
- C) Trading Standards
- D) Chief Officer of Police**

31. If convicted by a Magistrates Court, for how long can a Personal Licence holder have their licence revoked:

- A) 6 months
- B) 18 months
- C) 5 years**
- D) 2 years

32. How many temporary events can be held at one premise in a calendar year?

- A) 12**
- B) 16
- C) 35
- D) 50

33. Which one of the following organisations can grant a premises licence?

- A) The Magistrates Court near to where the licensed premises are situated
- B) The Licensing Authority for where the premises is situated**
- C) The Licensing Authority for where the Designated Premises Supervisor lives

D) The DCMS

34. The reason why alcohol should be promoted responsibly is:

- A) To make people drinking it happy
- B) To help pubs get out of the recession
- C) **To discourage excessive drinking**
- D) To maximize profits for retailers

35. How many members are there on a licensing sub-committee?

- A) 15
- B) 11
- C) 10
- D) **3**

36. At what age can a young person consume alcohol with a table meal?

- A) Over the age of 12 years
- B) **16 -17 years**
- C) At any age, it doesn't matter as they are with their parents
- D) 5 years and over

37. Which one of the following is the best form of identification to use for a proof of age?

- A) Motorcycle driving permit
- B) A National Identity Card
- C) University Identification Card
- D) **A driving licence photo card**

38. When demanding production of a Personal Licence, authorised persons must:

- A) **Produce their official identification card**
- B) Have a Police Officer present
- C) Have a warrant
- D) Advise the licensee in writing prior to the visit

39. What is the recommended safe daily intake of alcohol for women?

- A) 2 bottles of Chardonnay
- B) 6 pints of larger
- C) **2 - 3 units**
- D) 6 -7 units

40. Keeping premises open during a Closure Order can result in:

- A) Nothing, you don't have to close
- B) £20,000 fine and/or up to 6 month's imprisonment
- C) **£20,000 Fine and/or 3 months imprisonment**
- D) A level 5 fine of £5000

41. What is the definition of the term 'retail sale of alcohol':
- A) Selling alcohol to people under the age of 18
 - B) Sale of alcohol from a trader to another trader
 - C) Sale of alcohol to another premises licence holder
 - D) **Sale of alcohol from licensed premises to a member of the public**
42. The Licensing Authority must promote which of the following:
- A) Regulated Entertainment in pubs and clubs
 - B) Local charity fund raising events
 - C) **The FOUR Licensing objectives**
 - D) The awareness of excessive drinking
43. Under the Licensing Act 2003 an SIA licensed door supervisor can only be charged with which of the following?
- A) Admitting underage patrons to the premises
 - B) Permitting smoking in a non-designated area
 - C) Consuming alcohol on the premises they are supervising
 - D) **Allowing disorderly conduct to continue**
44. Which of these terms is a 'licensable activity' under the Licensing Act 2003?
- A) Late night dog racing
 - B) **Late night refreshment**
 - C) Early evening refreshment
 - D) Early morning breakfast
45. How many days before a temporary event is due to take place, should the temporary event notice be issued:
- A) 14 days
 - B) **10 working days**
 - C) The day before
 - D) 21 days
46. Under the anti-social behaviour Act 2003, a closure order can be issued by:
- A) The GPO
 - B) **An Environmental Health Officer**
 - C) A Police Officer in charge of noise pollution
 - D) A Licensing Authority Officer
47. A wholesale sale of alcohol from trader to trader requires:
- A) A full premises licence
 - B) Both premises and personal licence
 - C) **No licence at all**
 - D) A personal licence holder to authorise the sale
48. When applying for a renewal of a personal licence, the application should be accompanied by the:

- A) **Both parts of the original personal licence**
- B) A photocopy of the personal licence
- C) The premises licence
- D) Summary of Premises Licence

49. If a personal licence applicant has a relevant offence, the Chief Officer of Police can object on the basis of:

- A) The Protection of Children from Harm
- B) The Promotion of Public Safety
- C) **The Prevention of Crime and Disorder**
- D) The Prevention of Public Nuisance

50. Pubwatch and Retailwatch schemes are partnerships working between which of the following:

- A) A fire officer and Police Officer
- B) A shopkeeper and trading Standards
- C) The Licensing Authority and the Neighbourhood Watch committee
- D) **Licensees and Licensed retailers working with the Police.**

ANSWERS

- 1 = C
- 2 = B
- 3 = D
- 4 = D
- 5 = D
- 6 = D
- 7 = C
- 8 = B
- 9 = A
- 10 = D
- 11 = D
- 12 = C
- 13 = C
- 14 = B
- 15 = C
- 16 = A
- 17 = B
- 18 = A
- 19 = C
- 20 = D
- 21 = C
- 22 = C
- 23 = C
- 24 = A
- 25 = A
- 26 = A
- 27 = B
- 28 = D
- 29 = D
- 30 = D
- 31 = C
- 32 = A
- 33 = B
- 34 = C
- 35 = D
- 36 = B
- 37 = D

38 = A
39 = C
40 = C
41 = D
42 = C
43 = D
44 = B
45 = B
46 = B
47 = C
48 = A
49 = C
50 = D

We hope this mock exam has helped you prepare for your role within the premises
and to give you a better understanding of the Licensing Act 2003

24/7 Convenience

All customers are to be aware that we have a strict policy of:

**No sale of single cans or bottles of beer or cider
at any time.**

We also request that customers show respect for neighbouring residents and conduct themselves in an orderly manner.

The Management

24/7

**IT IS ILLEGAL TO SELL
TOBACCO PRODUCTS
TO ANYONE UNDER THE
AGE OF 18**

**Designated Premises Supervisor (DPS)
Authorisation for Sale/Supply of alcohol**

I am the Designated Premises Supervisor (DPS), and the holder of a Personal Licence and I am the person in a position of authority at the premises.

I hereby authorise the following named personnel to sell and supply alcohol, to comply with the Licensing Act 2003.

This being either when I am present on the premises or in my absence. I can always be contactable on the following telephone number:

NAMES OF AUTHORISED PERSONS:

I, being a person named below am aware of and accept my responsibilities under the Licensing Act 2003 and will endeavour to comply in accordance with the licensing law and the licence conditions attached to the premises licence.

Name	Personal Licence Number (If Applicable)	Date	Signature

DESIGNATED PREMISES SUPERVISOR AUTHORISATION.

Name:

Personal Licence Number:

Signature:

Licence Leader Ltd
www.licence-leader.co.uk
rob.edge@licence-leader.co.uk
[Rob 07982917819](tel:07982917819)

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	Licensing Sub Committee C
Report of:	Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 9th October 2019
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Flame Café Lounge, 77 Buckingham Street, Hockley, Birmingham, B19 3HU
Ward affected:	Newtown
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:
<p>To consider a representation that has been made in respect of an application for a Premises Licence which seeks to permit the provision of Regulated Entertainment consisting of recorded music, to operate indoors only, from 4:00pm until 2:00am (Monday to Sunday).</p> <p>To permit the provision of Late Night Refreshment, to operate indoors only, from 11:00pm until 2:00am (Monday to Sunday).</p> <p>Premises to remain open to the public from 4:00pm until 2:00am (Monday to Sunday).</p>

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

3. Brief Summary of Report:
<p>An application for a Premises Licence was received on 20th August 2019 in respect of Flame Café Lounge, 77 Buckingham Street, Hockley, Birmingham, B19 3HU.</p> <p>A representation has been received from other persons.</p>

4. Compliance Issues:
4.1 Consistency with relevant Council Policies, Plans or Strategies:
<p>The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.</p>

<p>5. Relevant background/chronology of key events:</p> <p>Aram Mustafa applied on 20th August 2019 for the grant of a Premises Licence for Flame Café Lounge, 77 Buckingham Street, Hockley, Birmingham, B19 3HU.</p> <p>A representation has been received from other persons. See 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</p> <p>Application Form, Appendix 2</p> <p>Site Location Plans, Appendix 3</p>
<p>7. Options available</p> <p>To Grant the licence in accordance with the application.</p> <p>To Reject the application.</p> <p>To Grant the licence subject to conditions modified to such an extent as considered appropriate.</p> <p>Exclude from the licence any of the licensable activities to which the application relates.</p>

EMMS·GILMORE·LIBERSON
Solicitors

Birmingham City Council - Licensing
Regulatory Services
Po Box 17013
Birmingham
B6 9ES

BCC	
REGULATION & ENFORCEMENT	
LICENSING SECTION	
DATE RECEIVED	
16 SEP 2019	
REF NO.	ENTERED RJ
INITIALS	

16 September 2019

Our ref: PMA/PA/MAL009.001

Your ref: Application Ref
112420

Dear Sirs

Mr [redacted], KV Manufacturing Limited and GM UK Limited
Representations / Objections to Application for Premises Licence
Flame Café Lounge, 77 Buckingham Street, Hockley B19 3HU

We are instructed on behalf of both of all of the above named to make representations against the application for a Premises Licence.

Objectors

1. Mr [redacted] is the Freeholder of the Premises known as 74-78 Buckingham Street. Which includes the premises which are the subject of this application referred to as 77 Buckingham Street.
2. KV Manufacturing Limited, of which Mr [redacted] is a Director, are occupiers of units at 79-80 Buckingham Street and trade as a wholesale jeweller. As such security of their premises is a major concern.
3. GM UK Limited, of which Mr [redacted] is also a Director, are occupiers of 79-80 Buckingham Street and are wholesalers of jewellery. As with KV Manufacturing security of the premises is a major concern

Background

The Premises at 74-78 Buckingham Street are mainly used for light industrial use and the surrounding area is almost exclusively one of factory units and manufacturing.

Dakeyne Emms Gilmore Liberson Limited is registered in England and Wales under company number 6850969 and authorised and regulated by the Solicitors Regulation Authority under SRA number 558275. Emms Gilmore Liberson is a trading name of Dakeyne Emms Gilmore Liberson Limited. The title 'Partner' refers to a lawyer who is registered as a director of Dakeyne Emms Gilmore Liberson Limited at Companies House. - a list of Partners is available upon request from our registered office. The title 'Director' refers to senior employees or consultants who are lawyers with equivalent experience and qualifications to that of a Partner, but who are not registered as directors of Dakeyne Emms Gilmore Liberson Limited at Companies House.

Document number: 1249928

Mr [redacted] is currently investigating the occupation of the premises by the Applicant. He has not given permission for the applicant to use the premises and has no knowledge of anyone involved in the application.

Mr [redacted] purchased the Freehold in 2017 (Office Copies attached). He has not consented to any assignment of the Leasehold interest nor any change of use. Mr [redacted] would not give consent to a change of use to a Café.

It is believed that the applicant may not have any right to be in occupation. The applicant has refused entry into the premises by Mr [redacted]. However it can be seen that they have made extensive alterations to the building including removal of internal walls and part of the roof, and also now welded large metal plates to the external windows. These steps have been taken without the Freeholder's permission.

If the Applicant does have a sublease it will be subject to the terms of the HeadLease of the premises held by Mr [redacted]. This contains a number of relevant covenants. Amongst others these prohibit the use of the premises for anything other than a general industrial building, and also prevent its use for a hotel public-house or for the consumption of wine or spirits or intoxicating liquours.

Although it is accepted that these are matters for enforcement by the Freeholder it indicates that the applicant is willing to breach the terms of the lease designed to protect the rights of neighbouring properties.

Representations under the Licensing Act

General

There is very little detail in the Operating Schedule as to what the premises will be used for nor are there any specific conditions proposed to address the four licensing objectives. There are only vague comments as to 'appropriate measures' being taken and staff being 'trained to deal with' crime and disorder. There are no specifics given. No doorstaff are proposed.

The only information given on proposed use is that the *'site map plan pre much explains well the intentions of premise usage as a café restaurant'*. There is though reference elsewhere to the premises being a *'restaurant shop'*.

Although permission to sell alcohol is not sought, there is no comment as to whether alcohol will be allowed to be brought on to the premises by patrons for consumption or steps to control consumption. If patrons are to be allowed to bring in their own alcohol then we would consider that the Operating Schedule would need considerable strengthening to deal with these issues.

We refer to comments above that using the premises for even the consumption of alcohol would be a breach of the Lease.

The Premises are not currently being used as a 'Café' even though they could, on the basis of the limited information in the application, be open until 23:00 without the need for a Licence.

The erection of the metal windows, which prevents those outside easily viewing what is happening internally, raises concerns as to what precisely the premises will be used for.

Prevention of Crime and Disorder

See comments under 'General' above.

Although entitled a 'café' the application is clearly not set up to cater for the local businesses. The application states they will not open until 4pm when most of the local premises will be closing. The purpose can only be to attract clientele from outside the area. This is not made clear.

The closing time of 02.00 am causes concern. The area in recent times has been subject to muggings, street robberies and car crime. Most of the local premises are not occupied at night and this raises worries with the objectors that the application, if successful, will attract more people into the area which could lead to an increase in crime.

There is no suggested installation of CCTV nor any proposed condition concerning this. We would expect this to be normal for premises opening this late at night in an area where criminal activity is a problem.

There are concerns that premise such as this opening until 02:00 may attract problems with drug use. There is no mention of steps to be taken to control / prevent this.

Prevention of Public Nuisance

The premises is indicated to close at 02:00 7 days a week. There will be increased footfall and traffic in the area. There are residential properties nearby and also an education establishment. The application does not indicate what steps will be taken to prevent nuisance to those in the area when patrons leave at 02:00.

It is noted that there is an external Courtyard within the plan attached to the application. There is no indication how use of this by patrons will be controlled to prevent noise and other nuisance.

Public Safety

We refer to our comments in 'Background' and 'General' above. It is believed that the applicant is in occupation without proper permission and has also conducted extensive works to the premises (including removal of internal walls) without appropriate permissions from the landlord. It is therefore a concern as to whether these works have been conducted in accordance with Building Regulations and whether the premises are safe.

There is an indication as to use of the premises as a restaurant but no mention of staff training on relevant Health and Safety issues.

The addition of steel covering to external windows causes concerns as to egress in case of fire.

Fire Exits are shown on the plan but it is not clear whether these are adequate for the premises or to where they lead.

Protection of Children from Harm

The paucity of information as to the uses to which the premises are to be put, together with no existing trading record, lead to concerns as to how this Objective will be dealt with.

EMMS•GILMORE•LIBERSON
Solicitors

There is reference in the Operating Schedule to children being 'advised how to use facilities'. There is no explanation as to this comment particularly as to what the 'facilities' are. This raises concerns as to the true nature of the use to which the premises will be put.

The Objectors believe that this application should be rejected. Much fuller information is needed as to the precise uses the premise will be put to, their proposed conditions for dealing with the licensing objectives and steps taken to ensure the extensive works carried out meet all necessary regulation and public safety is not compromised.

Further the background to the Applicants occupation and alterations to the property need to be resolved

Yours faithfully

EMMS GILMORE LIBERSON



Official copy of register of title

Title number WM926915 Edition date 26.04.2018

- This official copy shows the entries on the register of title on 11 SEP 2019 at 17:09:24.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 11 Sep 2019.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Coventry Office.

A: Property Register

This register describes the land and estate comprised in the title.

WEST MIDLANDS : BIRMINGHAM

- 1 (04.04.2008) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being 74-78 Buckingham Street, Birmingham (B19 3HU).

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (30.05.2017) PROPRIETOR: of
- 2 (30.05.2017) The price stated to have been paid on 15 May 2017 was £65,000.
- 3 (30.05.2017) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (04.04.2008) The land is subject to the lease set out in the schedule of leases hereto.

Schedule of notices of leases

- | | | | |
|---|-------------------------|---|----------|
| 1 | 74-78 Buckingham Street | 06.04.1978
99 Years from
25/12/1977 | WM120911 |
|---|-------------------------|---|----------|

Title number WM926915

End of register

2 of 2



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.

REGULATION ENFORCEMENT
 LICENSING SECTION
 DATE RECEIVED

Applicant Details

* First name

* Family name REF NO

* E-mail INITIALS

Main telephone number Include country code.

Other telephone number

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

Are you:

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

☐ Applying as an individual

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

Applicant Business

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

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

Is your business registered outside the UK? ☐ Yes ☒ No

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.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

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

Aram

Family name

Mustafa

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

British

Documents that demonstrate entitlement to work in the UK

Right to work share code

N/A

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?

 01 / 09 / 2019
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.

The premise is repaired, maintained lightly and fitted and fixed for cafe restaurant. The site map plan pre much explains well the intentions of premise usage as cafe restaurant.

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

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

Will the playing of recorded music 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.

It's just cafe restaurant opens to customers from 16:00 - until 02:00 where sometimes CD players is going to be in use for customers other than Sky tv channels. It's only indoor and not for outdoor and it's not loud but below voice.

State any seasonal variations for playing recorded music

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

Continued from previous page...

N/A

Non-standard timings. Where the premises will be used for the playing of recorded music 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.

N/A

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

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

Continued from previous page...

THURSDAY

Start 23:00

End 02:00

Start

End

FRIDAY

Start 23:00

End 02:00

Start

End

SATURDAY

Start 23:00

End 02:00

Start

End

SUNDAY

Start 23:00

End 02:00

Start

End

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.

The restaurant shop will be open normally from 16:00 until next morning 02:00 and late night refreshments will be available for customers.

State any seasonal variations

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

Not applicable, as there would be no seasonal variations.

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

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

Not applicable, as there would be no seasonal variations.

Section 15 of 21

Continued from previous page...

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☐ Yes

☒ No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

☒ Electronically, by the proposed designated premises supervisor

☐ As an attachment to this application

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

Continued from previous page...

FRIDAY

Start 16:00

End 02:00

Start

End

SATURDAY

Start 16:00

End 02:00

Start

End

SUNDAY

Start 16:00

End 02:00

Start

End

State any seasonal variations

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

Not application as there would be no seasonal variation.

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.

The premise as a local cafe restaurant opens to the public from 16:00 to 02:00 in the morning next day.

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.

We have taken into consideration taking appropriate measures to keep members of the public, our employees and staffs and our customers as safe as possible.

b) The prevention of crime and disorder

Security and members of our staffs are trained to deal with these situation, security alarms, and calling emergency numbers if needed.

c) Public safety

Continued from previous page...

The premise is fixed and fitted to be perfectly in compliance with public safety regulations and guidelines.

d) The prevention of public nuisance

We don't intent to play loud music or raise voices or shouts.

e) The protection of children from harm

There would be no permission for children without their perspective guardians and parents and there would be sites allocated for children if needed and would be advised how to use facilities.

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

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

Do not include drawing. All dimensions to be checked on site.

Notes:

1. The contractor shall be responsible for the construction and client use of the building. The contractor shall be responsible for the construction and client use of the building. The contractor shall be responsible for the construction and client use of the building.

2. The contractor shall be responsible for the construction and client use of the building. The contractor shall be responsible for the construction and client use of the building. The contractor shall be responsible for the construction and client use of the building.

3. The contractor shall be responsible for the construction and client use of the building. The contractor shall be responsible for the construction and client use of the building. The contractor shall be responsible for the construction and client use of the building.

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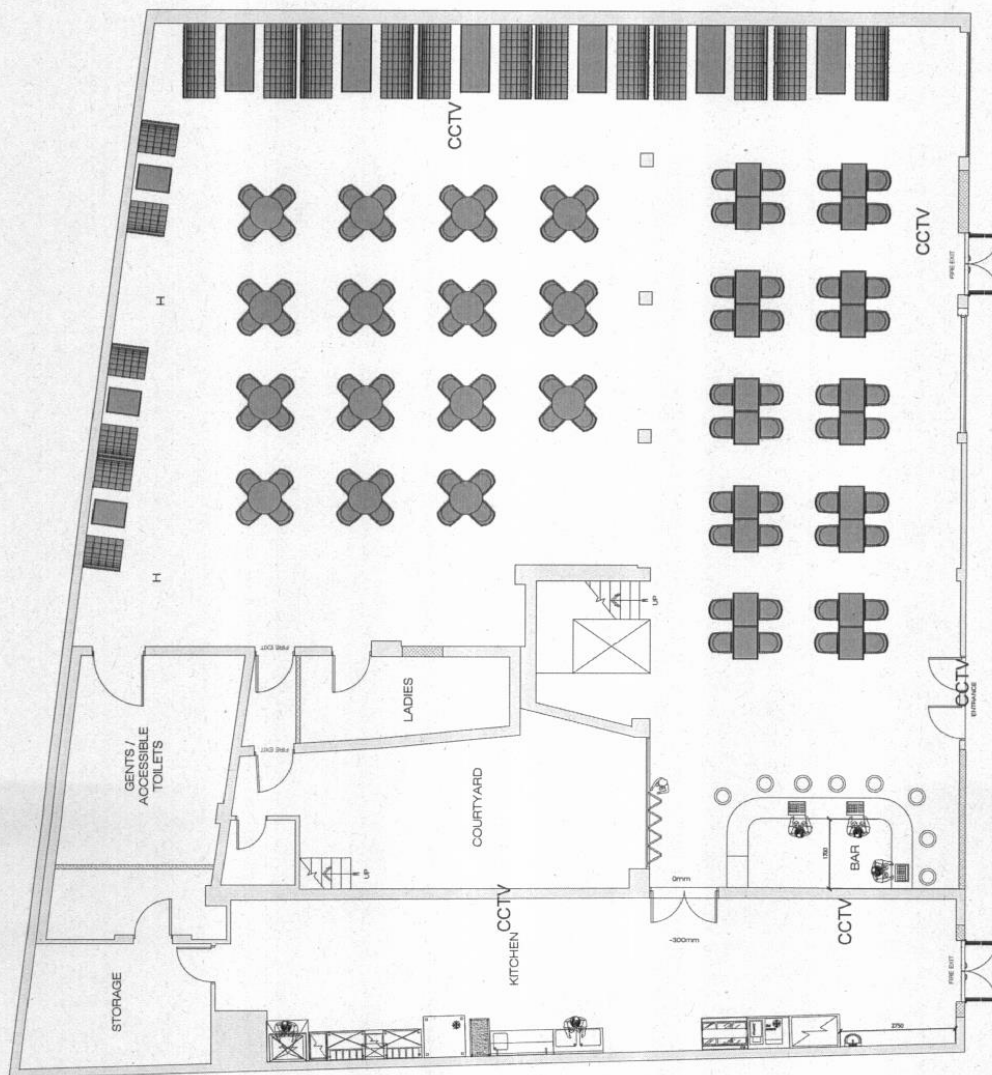
6. The contractor shall be responsible for the construction and client use of the building. The contractor shall be responsible for the construction and client use of the building. The contractor shall be responsible for the construction and client use of the building.

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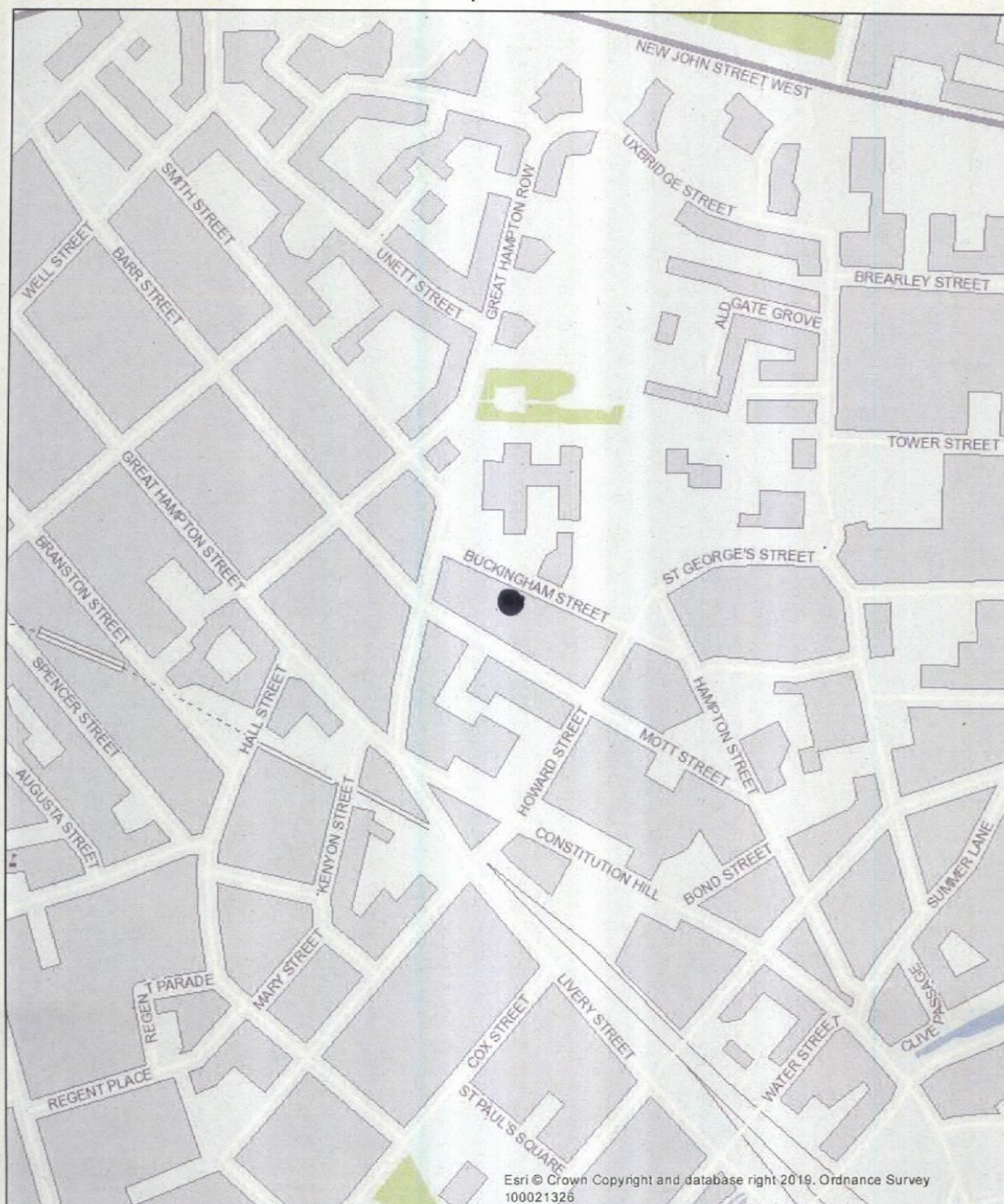
10. The contractor shall be responsible for the construction and client use of the building. The contractor shall be responsible for the construction and client use of the building. The contractor shall be responsible for the construction and client use of the building.



Existing Ground Floor
Scale: 1:100

PLANNING

REV	DESCRIPTION	BY	DATE
A	First Issue		01/07/19
PLANNING ISSUE			
CLIENT			
77 Buckingham Street			
Birmingham			
B19 3HU			
DATE			
-			
TITLE			
PROPOSED FLOOR PLAN			
SCALE AT A3	DATE	ISSUED	CHECKED
1:100	01/07/19	-	VT
PROJECT NO.	DRAWING NO.	SECTION	
-	A3/03		
			A



Birmingham
City Council

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Date of Map Creation: 23/09/2019

Map Created By:

Scale: 1:4,000

N



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City Council

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Date of Map Creation: 23/09/2019

Map Created By:

Scale: 1:1,250



