

# BIRMINGHAM CITY COUNCIL

## PUBLIC REPORT

<b>Report to:</b>	<b>Licensing Sub Committee A</b>
<b>Report of:</b>	<b>Acting Director of Regulation &amp; Enforcement</b>
<b>Date of Meeting:</b>	<b>Monday 4<sup>th</sup> December 2017</b>
<b>Subject:</b>	<b>Licensing Act 2003 Premises Licence – Review</b>
<b>Premises:</b>	<b>Premises at 9 Faraday Avenue, Quinton, Birmingham, B32 1JP</b>
<b>Ward affected:</b>	<b>Quinton</b>
<b>Contact Officer:</b>	<b>Shaid Yasser, Senior Licensing Officer, 0121 303 9896, <a href="mailto:licensing@birmingham.gov.uk">licensing@birmingham.gov.uk</a></b>

### **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 9<sup>th</sup> October 2017 from the Chief Inspector of Weights and Measures in respect the premises at 9 Faraday Avenue, Quinton, Birmingham, B32 1JP.

Representations have been received from two Responsible Authorities.

### **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 Officer of Weights and Measures applied on 9<sup>th</sup> October 2017 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for the premises at 9 Faraday Avenue, Quinton, Birmingham, B32 1JP.

Representations have been received from West Midlands Police and Birmingham City Council Licensing Enforcement, as responsible authorities, which are attached at Appendices 1 & 2.

Review application is attached, see Appendix 3.

The Premises Licence is attached at Appendix 4.

Site location plans are attached at Appendix 5.

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

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

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

## **6. List of background documents:**

Copy of the representations as detailed in Appendices 1 & 2  
Review Application Form, Appendix 3  
Copy of Premises Licence, Appendix 4  
Site location plans, Appendix 5

## **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.

## Appendix 1

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**From:** Abdool Rohomon  
**Sent:** 10 October 2017 11:57  
**To:** Licensing; Martin Williams  
**Cc:** Talib Hussain  
**Subject:** West Midlands Police representations - Just Drinks

Dear Licensing,

West Midlands Police have received and reviewed the application made by Birmingham City Council Trading Standards for the review of Just Drinks, 9 Faraday Avenue, Quinton, B32 1JP.

West Midlands Police wish to join in this review application on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm.

Just on the facts alone from the review application West Midlands Police have grave concerns around the running of these premises. The test purchase conducted by BCC Trading standards shows that there is no control of these premises and that they are prepared to sell alcohol to a minor just so that they can make more money.

There is no justification for selling alcohol to a minor and so West Midlands Police can only conclude that it is being done for the sole purpose of making more money.

These premises are not unknown to West Midlands Police, with intelligence stemming from 2015 through to present day, that the premises are involved in the sale of single cigarettes and alcohol to persons under the age of 18. The result of the test purchase gives some credence to this intelligence, and indicates that this is common practice, and not just a one off.

On the 20<sup>th</sup> August 2015 officers from West Midlands Police witnessed a female leaving the premises with alcohol in a bag, when she was challenged she was found to be 16 years of age. The staff member from the premises was challenged and admitted selling alcohol to the girl without asking for identification. The seller who it is believed to be the brother in law of the owner was issued with a fixed penalty notice

West Midlands Police are also very concerned around the responses of the Premise Licence Holder and DPS for this venue. During her interview the Premise Licence Holder showed a complete disregard to the licensing objectives and is clearly being used by others to be the front of this business when in fact it is run, managed and controlled by the licence holders husband and brother in law.

On these grounds West Midlands Police wish to join in the review and fully support BCC Trading Standards and also that the premise licence should be revoked. This is backed by the Sec 182 guidance, section 11.27 details a list of crimes that should be treated particularly seriously, one of the listed offences is " for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people".

Section 11.28 goes further that where reviews are used for these offences that the licensing committee are expected to consider the revocation of the premise licence even for the first instance.

We would appreciate if you will add these representations to the review application

Kind regards

**Abs Rohomon**

**PC 4075 Rohomon**

## Appendix 2

### Birmingham City Council Licensing Service

Representation as a responsible authority in respect of the premises licence number 3799/2 granted under the Licensing Act 2003 in respect of premises known as:

- 9 Faraday Avenue, Quinton, Birmingham, B32 1JP

#### Introduction

The current premises licence holder - Miss Clair Shaughnessy, of

Miss Clair Shaughnessy is also the nominated designated premises supervisor in respect of the premises licence.

The Premises licence granted to Miss Shaughnessy authorises the following licensable activities:-

M2 - Sale of alcohol by retail (off the premises)

And permits this licensable activity to take place:-

Monday – Saturday	08:00 - 23:00 hours
Sunday	10:00 - 22:30 hours

#### Conditions currently applied to the premises licence

In addition to the mandatory conditions contained within the Act the premises licence has the following conditions were applied to it:-

##### 2a) General conditions consistent with the operating schedule

No enforceable conditions identified from operating schedule.

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

The Premises Licence Holder shall ensure that CCTV is installed at the premises and shall be in operation at all times the premises are open for licensable activity.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule

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

No enforceable conditions identified from operating schedule

### **Annex 3. Conditions attached after hearing by licensing authority**

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

CCTV cameras at the back and front of the premises together with two inside to cover the till area and the shop as a whole shall be installed and operated at the premises; footage from CCTV shall be kept for a period of 28 days and be made available to responsible authorities on request.

An incident book shall be kept at the premises and made available to responsible authorities on request.

#### **3e) Committee condition to promote the protection of children from harm**

A challenge 25 policy shall be operated at the premises.

Signage shall be displayed at the premises advising of the challenge 25 policy.

A refusals book shall be kept at the premises and made available to responsible authorities on request.

### **Background Information**

In March 2017 the Trading Standards Team received intelligence from West Midlands Police indicating persons working at the premises were selling cigarettes and alcohol to persons under the age of 18.

In April 2017 Officers from Trading Standards and West Midlands Police made a joint visit to the premises. The premises licence holder and designated premises supervisor Miss Shaughnessy was issued with an advisory notice.

On the 28<sup>th</sup> July 2017 the Trading Standards carried out a test purchase at the premises and alcohol was sold to a child.

### **Guidance issued under section 182 of the Licensing Act 2003**

#### **Review of a premises licence following persistent sales of alcohol to children**

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

### **The Birmingham City Council Statement of Licensing Policy states:-**

#### **21.15 Sale of Alcohol to Children**

21.15.1 The Council considers that the sale of alcohol to children, or supply of alcohol in the case of a club, is a particularly serious offence.

21.15.2 There has been considerable research on the detrimental impact in areas where alcohol is accessed by children, in particular with regard to health, crime and disorder and anti-social behaviour. The Council, therefore, expects all licence holders to set out in their operating schedules the measures and management controls in place to prevent alcohol being sold or served to children (other than in the limited circumstances permitted under the Act) and to demonstrate all reasonable precautions and due diligence to prevent sales to under age persons whilst trading.

21.15.3 The Council considers that 'Challenge 25' policies, where the individual attempting to purchase alcohol must prove he/she is 18 or over if he/she appears to be under 25, are in many circumstances an effective way of preventing the sale of alcohol to children.

21.15.4 The Council expects licensed premises to embrace this initiative and premises licensed for the sale or supply of alcohol, particularly off-sales, to display prominent signage informing customers that it is an offence to sell or allow the sale of alcohol to children, to buy or attempt to buy it on a child's behalf, and for children to buy or attempt to buy it themselves.

21.15.5 Where the Council is required to review a licence due to the sale of alcohol to children the presumption will be for the licensee to demonstrate what systems were in place to try and prevent the situation arising.

21.15.6 If the Licensing Sub-Committee is not persuaded that appropriate, reasonable steps were taken by the licensee then the committee will take action to ensure the licensing objectives are promoted and may suspend or even revoke the licence of the premises licence holder or remove the designated premises supervisor.

### **Licensing Enforcement Team Recommendations to the Licensing Committee**

As a Licensing Authority Birmingham City Council must carry out its licensing functions with a view to promoting the licensing objectives contained in the Act and in line with its Licensing Policy. Both the Act and the Birmingham City Council Licensing Policy stress the importance which must be given to the protection of children and young persons from the harms of alcohol.

Unfortunately when children and young person's consume alcohol it can result in risk-taking behaviour, aggression and injury and can require urgent medical attention. It can also result in children and young people being left vulnerable to exploitation and the influences, or pressures of others.

The premises licence granted to Miss Shaughnessy already has a condition attached as the result of a previous committee hearing requiring her to operate a Challenge 25 age verification policy to prevent sales of alcohol to children and young persons under the age of 18.

Had this policy been applied correctly there should never have been an occasions when alcohol was sold to a person under 18.

Comments made by Miss Shaughnessy in interview indicate she was aware of issues with a family member serving underage people, yet she failed to take any meaningful steps to prevent this.

This is a family business and when considering all the factors and circumstances the Licensing Enforcement Team does not consider further conditions applied to the premises licence would be effective in preventing further sales of alcohol to children and young persons.

Miss Shaughnessy and her family members have demonstrated a total lack of social responsibility and social conscience in relation to the sales of alcohol and the Licensing Enforcement Team has no hesitation in recommending the Licensing Committee consider the revocation of this premises licence on the grounds of:-

- Crime and Disorder;
- Public Safety ; and
- Protection of Children from Harm.

## Appendix 3

Head of Licensing, Licensing Section, 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 Martin Williams (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 of the Licensing Act 2003 for the  
premises described in Part 1 below**

**Part 1 – Premises or club premises details; JUST DRINKS**

Postal address of premises or, if none, Ordnance Survey map reference or description  9 Faraday Avenue, Quinton	
Post town BIRMINGHAM	Post code (if known) B32 1JP

Name of premises licence holder or club holding club premises certificate (if known)  Miss Clair Shaughnessy
Number of premises licence or club premises certificate - 3799

BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 19 OCT 2009 REF NO _____ INITIALS _____
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**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)

☐

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**(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;  Martin Williams, Trading Standards Officer for and on behalf of Donna Bensley Chief Inspector of Weights & Measures.  Birmingham City Council Trading Standards PO Box 16586 Birmingham B33 3EH  In all correspondence please quote our reference: 8747370
Telephone number (if any)
E-mail address (optional)

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

- |   |                                     |
|---|-------------------------------------|
|   | Please tick one or more boxes       |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        |                                     |
| 3) the prevention of public nuisance    | yes                                 |
| 4) the protection of children from harm | yes                                 |

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

In March 2017 Birmingham Trading Standards received intelligence from the Bartley Green Neighbourhood Police team that a shop known as Just Drinks, 9 Faraday Avenue, Quinton, Birmingham, B32 1JP was selling cigarettes and alcohol to persons under the age of 18.

It is an offence to sell cigarettes and alcohol to persons under 18 years of age.

Consequently a visit was made to the shop on 4<sup>th</sup> April 2017 by Trading Standards Enforcement Officer Paul Ellson and police officers from the local neighbourhood team. On this visit officer Ellson issued an advice notice to Miss Clair Shaughnessy who was the DPS and Premise Licence holder for the shop. The notice stated amongst other things; *"This department has received information that tobacco and alcohol have been supplied to persons under 18yrs old. This must cease. TSO/police use child volunteers to test purchase such items your premises will be selected"*; Miss Shaughnessy signed for this and was given a copy and said she would be more vigilant in future.

On 28<sup>th</sup> July 2017 Trading Standards were undertaking a test purchase exercise with a 14yr old female volunteer.

At approximately 11.10 a.m. the volunteer went into Just Drinks. Trading Standards Officer Martin Williams followed a few paces behind in order to witness what occurred.

The volunteer went to the rear of the shop picked up a 275ml bottle of 4% alcohol WKD Blue vodka drink and took it to the counter. Here she presented it to a middle aged woman who was sitting behind the counter. The woman did not ask her age or ask for any identification but just said; *"86p please"*.

The volunteer paid her then left the premises with the bottle of alcohol.

A few minutes later Officer Williams returned to the shop with local police officers and spoke to the same woman behind the counter, she gave her name as Denise Shaughnessy and said she was the mother of the Premise Licence holder and DPS Clair Shaughnessy. She admitted she had sold the alcohol to the young volunteer and had not asked her age or for any ID.

At this point Clair Shaughnessy arrived and Officer Williams explained to them both that the sale could constitute an offence under the Licensing Act 2003 and that the facts would be reported. Clair Shaughnessy was issued with a trader's notice to this effect which she duly signed.

On 25<sup>th</sup> August 2017 Officer Williams formally interviewed both women about the events of 28<sup>th</sup> July 2017. The interviews were conducted under caution in accordance with The Police and Criminal Evidence Act 1984. Both women were interviewed separately.

In the interview with Clair Shaughnessy a few issues were raised that were of concern to officer Williams:

- She said that although she was Premises Licence holder and DPS she had not spent much time in the shop recently. Other than her mother her husband Najim Saqib worked in the shop along with his brother. She did not know how to pronounce his full name but thought it was something like Janghir Ali.
- She said this man was in the shop from when her mother leaves at 12/12.30 till the shop closes around 10.30pm. She then said; *"and then my other half normally goes down about 8 o'clock till close. Course I don't really go down there anymore now"*
- She said that the business was all in her name completely including the bank account.

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- She said; *"I'm everything but I didn't want - it was his idea - Naj's idea but he says, "I don't want nothing in my name. I want everything in your name."*
- She went on to say that she had told her husband's brother many times to stop serving products to underage people that they should not have as he was the main person that did it. She did not think her husband or his brother listened to her warnings.
- It also appeared that they were not using a refusals book even though she had asked them to.
- She said she had threatened to transfer the licence into her husband's name to avoid her getting into trouble but he did not want her to.
- At the end of the interview when she was asked if she wanted to say anything she said; *"if anything comes of it just take my licence off me because I don't want to no more, I've had enough."*

When Denise Shaughnessy, the seller of the alcohol was interviewed she said she had only been serving in the shop for no-more than 6 weeks and had no previous experience selling in any shops before let alone serving alcohol to young people. She said that her daughter had told her not to serve to underage people but nothing was ever put in writing. This does appear to show that she was not trained properly or should have been left in charge in the shop on her own with little or no experience.

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

Following the comments made by Clair Shaughnessy it is felt that this shop is not under the proper control of the DPS and Premises Licence holder as she appears to have little control of the other family members, namely her husband and his brother who appear to spend most of the time in the shop. However on this occasion the sale was actually made by her mother.

She has said that she has tried to control their actions but it appears to no avail.

This shop has had a history of complaints made against it for selling tobacco and alcohol to minors and it is felt that nothing other than revoking the alcohol licence will put a stop to this.

The premises had received more than fair warning on 4<sup>th</sup> April 2017 that an underage test purchase would be made in the near future.

The recent previous history of shop is as follows;

In April 2014 a complaint came from Crimestoppers that the shop was selling counterfeit cigarettes, split packs for teenagers and sold alcohol to children under 18. A visit made by Trading Standards later in the year was undertaken where 12 packs of illicit cigarettes and 5 bottles of illicit vodka were found in the shop. A warning letter was issued to Clair Shaughnessy on this occasion due to it being the first offence.

In January 2016 a complaint was received that amongst other things the shop was selling single cigarettes and alcohol to people who are underage. A follow up visit was made to the shop by Trading Standards on 25<sup>th</sup> February 2016 where advice and a warning about these practices was given by the visiting officer.

On 31<sup>st</sup> May 2016 Trading Standards received a complaint from a woman who said that her 17 year old daughter had been sold Smirnoff ice alcohol by a man from the shop who told her to hide it in her bag. She also said they were serving cigarettes to underage children. A follow up visit was made to the shop by Trading Standards officers on 9<sup>th</sup> June 2016 where another trader's notice warning was issued, this time to Mr Ali who was serving in the shop.

In view of this sale and previous history it is considered appropriate to seek a review of the licence with a recommendation that it be revoked. Selling alcohol to children is a very serious matter and is in breach of the licensing objectives. It is a criminal offence. Equally being found in possession of illicit goods is also a criminal matter and dealing in such goods brings crime into neighbourhoods and could also have an impact on the purchasers health as dealing in illicit goods, without knowing the provenance could result in unsafe products being supplied.

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

Please tick ✓ yes

no

If yes please state the date of that application

Day		Month		Year	
1	1	1	1	1	1

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

N/A

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

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 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

5<sup>th</sup> October 2017

.....

Capacity for and on behalf of Donna Bensley Chief Inspector of Weights & Measures

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)  
(see details in section C)

**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.

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## Appendix 4

### BIRMINGHAM CITY COUNCIL

#### LICENSING ACT 2003

#### PREMISES LICENCE

Premises Licence Number:

3799 / 2

#### Part 1 - Premises details:

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> 9 Faraday Avenue Quinton	
<b>Post town:</b> Birmingham	<b>Post Code:</b> B32 1JP
<b>Telephone Number:</b> Not Specified	

<b>Where the licence is time limited the dates</b> N/A
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<b>Licensable activities authorised by the licence</b> M2      Sale of alcohol by retail (off the premises)
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<b>The times the licence authorises the carrying out of licensable activities</b>			
Monday - Saturday	08:00	-	23:00 M2
Sunday	10:00	-	22:30 M2
Good Friday	10:00	-	22:30 M2
Christmas Day	10:00	-	23:00 M2

<b>The opening hours of the premises</b>			
Monday - Saturday	08:00	-	23:00
Sunday	10:00	-	22:30
Good Friday	10:00	-	22:30
Christmas Day	10:00	-	23:00

<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b> Off Supplies Only
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BIRMINGHAM CITY COUNCIL

Part 2

<b>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</b> Miss Clair Shaughnessy	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	
<b>Email</b>	

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

<b>Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</b> Miss Clair Shaughnessy	
<b>Post town:</b>	<b>Post Code:</b>
<b>Telephone Number:</b>	

<b>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</b>	
<b>Licence Number</b>	<b>Issuing Authority</b>

Dated 01/10/2013

\_\_\_\_\_  
Carolyn Bennett  
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.

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 a holographic mark.

(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.

**BIRMINGHAM CITY COUNCIL**

**Annex 2 – Conditions consistent with operating schedule**

**2a) General conditions consistent with the operating schedule**

Conditions as stated below under the appropriate licensing objective.

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

The Premises Licence Holder shall ensure that CCTV is installed at the Premises and shall be in operation at all times the Premises are open for licensable activity.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

**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**

CCTV cameras at the back and front of the premises together with two inside to cover the till area and the shop as a whole shall be installed and operated at the premises; footage from the CCTV shall be kept for a period of 28 days and made available to responsible authorities on request

An incident book shall be kept at the premises and made available to responsible authorities on request

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

A challenge 25 policy shall be operated at the premises

Signage shall be displayed at the premises advising of the Challenge 25 policy

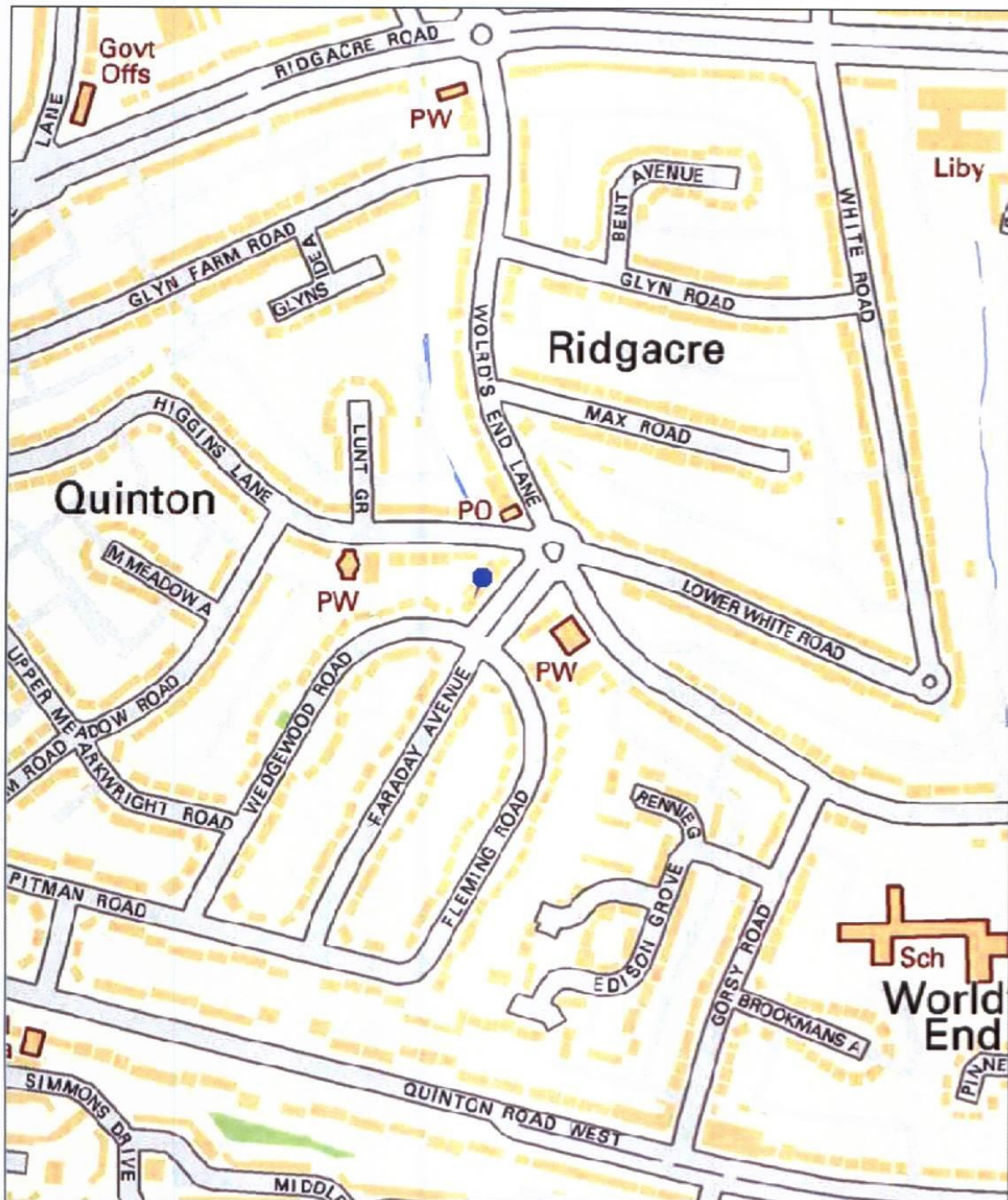
A refusals book shall be kept at the premises and made available to responsible authorities on request

## **BIRMINGHAM CITY COUNCIL**

### **Annex 4 – Plans**

The plan of the premises with reference number **83885-3799/2** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please ring the Licensing Section on 0121 303 9896 to book an appointment.

## Appendix 5



**Birmingham City Council** Map Created By:

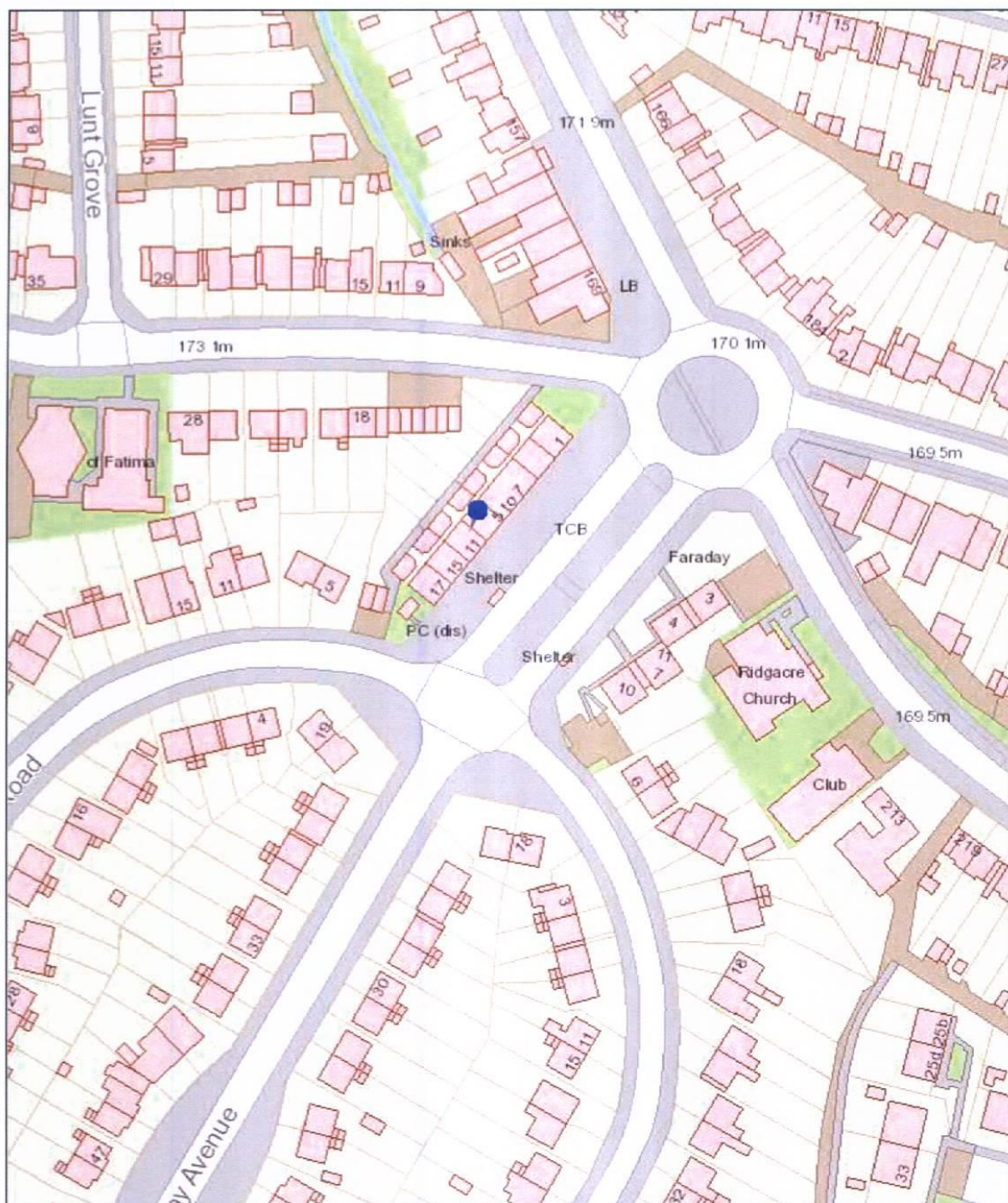
Notes

Date of Map Creation: 10/11/2017

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Scale:  
 1:4,000





**Birmingham City Council** Map Created By:

Date of Map Creation: 10/11/2017

**Notes**



Scale:  
1:1,250

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