

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

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|-------------------------|---|
| Report to: | Licensing Sub Committee A |
| Report of: | Interim Assistant Director of Regulation & Enforcement |
| Date of Meeting: | Monday 6th June 2022 |
| Subject: | Licensing Act 2003 Premises Licence – Grant |
| Premises: | Tesco Express Bournville, Linden Road, Bournville, Birmingham, B30 1AP |
| Ward affected: | Bournville and Cotteridge |
| Contact Officer: | David Kennedy, Principal Licensing Officer, licensing@birmingham.gov.uk |

1. Purpose of report:

To consider representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption off the premises) to operate from 07:30am until 10:30pm (Monday to Sunday).

Premises to remain open to the public from 07:30am until 10:30pm (Monday to Sunday).

2. Recommendation:

To consider the representations that have been made and to determine the application.

3. Brief Summary of Report:

An application for a Premises Licence was received on 11th April 2022 in respect of Tesco Express Bournville, Linden Road, Bournville, Birmingham, B30 1AP.

Representations have been received from other persons.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

Tesco Stores Ltd applied on 11th April 2022 for the grant of a Premises Licence for Tesco Express Bournville, Linden Road, Bournville, Birmingham, B30 1AP.

Representations have been received from other persons, which are attached at Appendices 1 – 5.

The application, including supporting documents, is attached at Appendix 6.

Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 7.

Site Location Plans at Appendix 8.

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:

Copies of the representations as detailed in Appendices 1 – 5

Application Form, Appendix 6

Conditions agreed with West Midlands Police, Appendix 7

Site Location Plans, Appendix 8

7. Options available

To Grant the licence in accordance with the application.

To Reject the application.

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

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

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

From: Councillor Liz Clements

Sent: 09 May 2022 18:21

To: Licensing

Cc: Councillor Fred Grindrod

Subject: Tesco Express, Linden Road, Bournville, B30 1AP, application ref 124868 - objection

Premises application reference 124868, Tesco Express, Linden Road, Bournville B30 1AP – Objection

Dear Licensing Team

I am once again objecting to an application for a premises licence at the Tesco Express store on Linden Road in my ward of Bournville and Cotteridge. I have been contacted by many residents who object to this application which comes hot on the heels of a hugely unpopular decision to grant a premises licence at 1, Franklin Road, against the wishes of local residents, councillors and the local MP.

In 2019 and before that in 2007, residents and their local elected representatives have united to oppose the previous applications for an alcohol licence at the Tesco Express, Linden Road. The wishes of the community have been clearly and publicly articulated on both occasions and are unchanged. The grant of another premises licence within a very short distance of the now two licensed premises on the corner of Mary Vale Road and Franklin Road – in the heart of a quiet residential area, and very close to numerous off licences on Stirchley High Street and in Cotteridge shopping centre - represents an unwelcome proliferation of off licences and retail outlets where alcohol is on sale in a small geographical area. While the Linden Road Tesco Express store is outside the boundary of the Bournville Village Trust estate, I know that many residents object to this premises application because they believe that it is out of keeping with the Quaker heritage of our area.

The Tesco express on Linden Road is open every day continuously from 7.30 am to 10.30 pm and if the premises licence is granted, alcohol would be on sale throughout the business hours. As a regular customer, I am aware that it is an extremely busy store and that it has a serious problem with shop-lifting and with the theft of petrol by drivers who drive off without paying for their fuel. In the past, Tesco employed a security guard in the store as a deterrent. However this is now no longer the case and there are no security personnel in the store. This means the staff are often dealing with criminal behaviour unassisted – this is a particular concern in the evenings, when the store is often sparsely staffed. I have witnessed cashiers dashing out to take down the number plates of cars speeding away from the garage forecourt without paying.

Hence in relation to the **prevention of crime and disorder**, my concern is that the introduction of alcohol into the Tesco Express will be a magnet for shop-lifters and will place staff in a vulnerable situation. Only one Designated Premises Supervisor (DPS) is listed on the application: how will Tesco ensure that there is continuous DPS cover during opening hours? The set of proposed conditions appended to the application details the training that staff will receive on age restricted sales but no minimum level of staffing is specified, raising concerns about under-age drinking and the **protection of children from harm**. In relation to the risk of disorderly or anti-social behaviour by customers who have purchased alcohol, the proposed conditions state that a sign will be displayed asking patrons to exit the area quickly and quietly. This is not enough deterrence for potentially inebriated customers and appears to place the onus on Tesco staff to ensure that problematic customers are moved on.

The Tesco express store on Linden Road is in the middle of a residential area. The grant of a premises licence from 7.30am to 10.30 am is likely to attract more custom to the store in the early morning and late in the evening. Therefore I am also objecting to the licence application in relation to the **prevention of public nuisance**. Residents are concerned about the risk of customers who have purchased alcohol congregating in the neighbourhood to drink their purchases, with a potential for excessive noise and anti-social behaviour.

Residents are also extremely concerned about the potential increase in traffic on Linden Road and the surrounding roads such as Beaumont Road at unsocial hours. Obstructive parking by customers of Tesco Express is already an issue, with cars and delivery vans frequently parked on the pavement making it difficult for pedestrians to pass by and reducing visibility for vehicles turning in and out of the petrol station. I have been sent a series of hard copy photos* by a concerned resident which show obstructively parked vehicles and a recent serious collision outside the petrol station involving vehicles which were trying to exit the forecourt and other vehicles on the very busy A4040 which passes by the site. The risk of more road traffic accidents in the vicinity of the petrol station/Tesco Express is a serious **public safety** concern. [** Please note I will forward these images to the Licensing Team by post if I am unable to secure digital copies*]. I urge the Licensing Committee not to grant this premises licence and to respect the concerns of residents who live in the neighbouring streets to Tesco Express, Linden Road, who wish to preserve the quiet residential character of their area.

From:
Sent: 19 April 2022 12:14
To: Licensing
Subject: Tesco Planning application to sell and supply alcohol

Good morning

Yet again we are being subjected to the bullying and complete disregard of the local neighbourhood by a company who believe they are above the law. We live opposite the garage and see the daily activities not only of the garage but of the customers who abuse the surrounding area with there parking, litter and the ones that hide in the local gardens ready to steal from the store itself.

If anything, the situation is way worse than when their application was refused in January 2019. Policing is at an all time low, crime in this area is at an all time high with daily robberies of cars, houses being broken in to and muggings/stabbings. Do you honestly think the acceptance of selling alcohol and the abuse it will lead to will help this area. Bournville has a world wide reputation that is respected as an alcohol free area that was built on Quaker values set by George Cadbury. This is the reason we moved to Bournville 19 years ago.

Tesco are a typical large company who think they can bulldoze through communities in order to make a profit. This is the same company who on the morning of the recent spring budget put their petrol prices **up** 5 pence per litre from £1.73 to £1.78 knowing the chancellor was about to issue a reduction of 5 pence per litre on all oil. The fact that they then only reduced it to £1.75 shows the complete lack of any morals or ethics towards the public.

I look forward to your response on this matter.

Regards

Linden Road
B30

From:

Sent: 09 May 2022 13:20

To: Licensing

Subject: Obection to Tesco Express garage ,Linden Road Bournville ,application to sell alcohol.

To whom it may concern

Firstly Since Tesco's last application, which was denied, nothing has been adressed re putting security on the premises, but the staff are now wearing body cams because of the high amount of theft of goods from the shop and drive offs from fuel being taken . the forcourt area still has no gates to stop people accessing the sight after hours .

Lights are still left on over night causing light pollution to locals .

Lorries blocking the main road adjacent to the garage while waiting to turn to reverse in to the loading area, which still causes casos on the main Linden road which is an artery to ambulances to the main QE hospital, i have photographic proof which i will provide to the local councilor to submit as evidence.

A number of the staff are against the idea of alcohol being sold because of the associated grief it brings with it having worked in other tesco stores that do sell it .

I myself object because of the many resons quoted above and that there are as before a number of senior schools local to this garage , and its right in the middle of a busy young family comunity area, its to easy to get alcohol from the increasing amount of shops already in the local area now that have been granted licences at least 17 ! Thats not including the pubs or social clubs or mirco brewerys all within a 5 min drive/ 15 min walk or less away .

We already have antisocial behaviour on our road home and car break ins, drug deal hand overs , and noise due to people walking back from the stirchley area having had a good night out in the micro pubs and brewerys.

Please dont allow this application , i implore you and the city council need to make a mature choice to deni the application and keep alchol from destroying peoples health and lives , give the NHS a break from alchol induced diseases and injurys and car accidents.

Kind regards

From:

Sent: 09 May 2022 22:40

To: Licensing

Subject: Objection to licensing application reference number: 124868

Dear Sir/ Madam,

I am writing to express my objection to the Licensing Application Reference Number: 124868 for a new premises licence at Tesco Express, Linden Road, Birmingham, B30 1AP.

As a local resident living on Beaumont Road, I am extremely concerned about the potential impact that this application could have if approved. Please find an overview of my concerns below:

1. The sale of alcohol at the Tesco will risk a considerable increase in crime and disorder in this residential area. It would encourage alcohol-fuelled anti-social behaviour in a residential area and disturb the residents. One of the best aspects of living in Bournville is the quality of green spaces within the area. However, the two green areas adjacent to the premises (the Womens' Recreation Ground and Cotteridge Park) could become less safe as a result of people taking alcohol they have purchased at the premises to the parks, creating a haven for anti-social behaviour. This risks damaging the children's play area in Cotteridge Park.

3. Public safety in the area would also be endangered by the addition of a premises selling alcohol as traffic to the area would increase, raising the possibility of more frequent traffic collisions and also an increase in air pollution. Traffic is already a considerable problem on local streets and the granting of an alcohol licence to Tesco would substantially exacerbate these issues.

Thank you in advance for your consideration.

Kind regards,

(Beaumont Road, Bournville, B30)

From:

Sent: 09 May 2022 22:50

To: Licensing

Subject: Objection to new licensing application reference number: 124868

Dear Sir/ Madam,

I am writing to express my objection to the Licensing Application Reference Number: 124868 for a new premises licence at Tesco Express, Linden Road, Birmingham, B30 1AP.

As a local resident living on Beaumont Road, I am extremely concerned about the potential impact that this application could have if approved. Please find an overview of my concerns below:

1. The sale of alcohol at the Tesco will risk a considerable increase in crime and disorder in this residential area. It would encourage alcohol-fuelled anti-social behaviour in a residential area and disturb the residents. One of the best aspects of living in Bournville is the quality of green spaces within the area. However, the two green areas adjacent to the premises (the Womens' Recreation Ground and Cotteridge Park) could become less safe as a result of people taking alcohol they have purchased at the premises to the parks, creating a haven for anti-social behaviour. This risks damaging the children's play area in Cotteridge Park. The park has worked hard to become a safe area for families to visit and this was raised in opposition to another licensed premises.
2. The Bournville area is a historically dry area of the city. This attracts visitors to the surrounding areas by encouraging a pleasant and safe atmosphere. If residents wish to purchase alcohol, there are two shops in the border of Cotteridge which already provide that service. There is no inherent need for alcohol to be sold in the area and there are already multiple licensed premises in walking distance doing so.
3. Public safety in the area would also be endangered by the addition of a premises selling alcohol as traffic to the area would increase, raising the possibility of more frequent traffic collisions and also an increase in air pollution. Traffic is already a considerable problem on local streets and the granting of an alcohol license to Tesco would substantially exacerbate these issues. While I appreciate that Tesco wishes to increase its profitability, adding a licence to the premises (which has been rejected numerous times by residents) would be unpopular. It would also encourage driving into an already busy area when reduction of driving journeys would be environmentally wise.

Thank you in advance for your consideration.

Kind regards,

(Beaumont Road, Bournville, B30)



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

Not Currently In Use

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

Your reference

JIB/20TRET1.30

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

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

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

Applicant Details

* First name

Jeremy

* Family name

Bark

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

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

☐ Applying as an individual

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

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes

☐ No

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

Registration number

00519500

Business name

Tesco Stores Limited

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

VAT number

GB

220430231

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

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

☐ A private individual acting as an agent

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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PREMISES DETAILS

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

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Limited Liability Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Supermarket retail premises selling a range of goods and services, This includes off sales of alcohol. The premises are not excluded premises for the purposes of section 176 of the Licensing Act 2003.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☐ Yes

☒ No

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

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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

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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

Continued from previous page...

SUNDAY

Start 07:30

End 22:30

Start

End

Will the sale of alcohol be for consumption:

☐ On the premises ☒ Off the premises ☐ Both

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

State any seasonal variations

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

| |
|--|
| |
|--|

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

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

| |
|--|
| |
|--|

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

Name

First name David

Family name Dent

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

| | |
|---|---|
| Building number or name | <input type="text"/> |
| Street | <input type="text"/> |
| District | <input type="text"/> |
| City or town | <input type="text"/> |
| County or administrative area | <input type="text"/> |
| Postcode | <input type="text"/> |
| Country | <input type="text"/> |
| Personal Licence number (if known) | <input type="text" value="WF020054282"/> |
| Issuing licensing authority (if known) | <input type="text" value="Wyre Forest District Council"/> |

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

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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.

None

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

Start

End

End

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

Continued from previous page...

TUESDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="07:30"/> | End | <input type="text" value="22:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

WEDNESDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="07:30"/> | End | <input type="text" value="22:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

THURSDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="07:30"/> | End | <input type="text" value="22:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

FRIDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="07:30"/> | End | <input type="text" value="22:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SATURDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="07:30"/> | End | <input type="text" value="22:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SUNDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="07:30"/> | End | <input type="text" value="22:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

State any seasonal variations

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

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

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

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

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

See attached list of proposed conditions

b) The prevention of crime and disorder

See attached list of proposed conditions

c) Public safety

See attached list of proposed conditions.

d) The prevention of public nuisance

See attached list of proposed conditions

e) The protection of children from harm

See attached list of proposed conditions

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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.

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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 (£)

450.00

DECLARATION

1

Continued from previous page...

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE

* ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15).

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

1. A digital CCTV system will be operated within the premises and recordings of images shall be made and retained for a minimum period of 28 days and made available to the police or an authorised officer of the licensing authority upon reasonable request.
2. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
3. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive training in age restricted sales which shall include induction training completed and documented prior to such staff member selling alcohol and then shall include refresher training so that they receive such training at least twice per year. All such training records shall be available for inspection by a police officer on reasonable request.
4. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
5. All checkouts in the shop area, shall automatically prompt staff to ask for age verification identification in line with the Tesco Challenge 25 policy when presented with an alcohol sale.
6. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium or craft beers and ciders supplied in glass bottles and cans.
7. All deliveries of alcohol shall be incorporated into the deliveries of other goods to the store.
8. Clear and prominent signage shall be displayed at the exit to the premises asking customers to leave the area quickly and quietly.
9. No alcohol will be displayed on any promotion end within 3 m of the entrance to the premises.



OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

Observations Report

MARK HALTON - MJH LICENSING CONSULTANTS LTD

TESCO EXPRESS LINDEN ROAD BIRMINGHAM B30 1PA.

Introduction.

I have been asked to conduct impartial observations on the Tesco Express situated on the Linden Road Birmingham B30 1PA and the area surrounding it and to then consider the likely impact under the four licensing objectives of granting a premises licence to this store.

I am aware that Tesco are considering applying for a premises licence under the Licensing Act for the sale of alcohol from 7.30am to 10.30pm. I am also aware of the Tesco policies, systems, training, and procedures in relation to the sale and supply of alcohol and the proposed conditions should an application be made.

I have observed the premises and the area surrounding on the following dates and times –

| | | |
|-----------|-------------------------------|--------------------|
| Friday | 6 th August 2021 | 6.45pm to 10.45pm. |
| Saturday | 7 th August 2021 | 10.00am to 2.00pm. |
| Saturday | 14 th August 2021 | 6.00pm to 10.45pm. |
| Tuesday | 17 th August 2021 | 7.15am to 9.45am. |
| Wednesday | 18 th August 2021 | 11.00am to 2.00pm. |
| Sunday | 22 nd August 2021 | 7.15am to 9.45am. |
| Monday | 23 rd August 2021. | 1.00pm to 4.00pm. |

I selected these broad range timings on various days of the week so I could observe the possible effects of the application upon the surrounding environment throughout the week, including at different times of the day.

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

Professional Experience and Qualifications – Mark Halton.

I have retired from the Metropolitan Police Service, completing 30 year's exemplary service. During my service I was involved with a variety of licensed premises under both the Licensing Act 1964 and from 2005 under the Licensing Act 2003. I worked within Westminster for a significant period of my time with the police, which has some of the highest footfall in England and the most licensed premises of any local authority area. I also worked in the London Borough of Richmond which is much more residential in nature. I have also been involved with planning for significant sporting events from a police licensing and crime reduction perspective. I was also seconded to the Home Office to advise on licensing matters and as head of the licensing that contained the most licensed premises. I was and continue to be involved in training for the police, local authorities, and operators in relation to licensing legislation, best practice, and crime reduction matters. My experience includes field-based work and therefore I believe that I am well qualified to conduct the observations which I undertook and make comments and draw reliable conclusions.

My brief resume is set out below.

1985-1987 Westminster Response team police officer

1987-1997 Central Clubs & Vice Unit CO14 posting within as follows

1987-88 Street Offences Squad dealing with street prostitution, brothels, massage parlors, illegal gaming/casino and both licensed and unlicensed venues for the sale of alcohol.

1988-90 Obscene Publications Unit.

1990- 93 Field Intelligence officer CO14 Clubs & Vice. Covert policing, surveillance.

A drugs test purchaser and financial investigator used primarily in the night club economy specialising in nightclub/late night economy specialising in nightclubs and bars.

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

1993-97 Clubs & Vice Licensing Unit. Supervising and dealing with licensing prosecutions, administration, and applications. This included dealing with applications to revoke Justices Licences or whether to oppose the grant or variation of such licences or the renewal of Public Entertainment Licences.

1997-01 Westminster Borough Licensing Co-Coordinator. Supervising all licensing teams within the Borough, modifying police processes and policies particularly in respect of taking enforcement action, including prosecutions.

2002-06 Westminster Police Licensing Team. Set up the unit and supervised, wrote the Metropolitan Police crime prevention and effective management document (still contained and unchanged within the City of Westminster Statement of Licensing Policy). Assisted with devising and implementing the Cumulative Impact policy. This included preparing for and overseeing the implementation of the Licensing Act 2003, dealing with the transition period, and developing the response to applications for new licences or variation applications and whether to object to them on the basis that they may undermine the licensing objectives or whether suitable conditions on the basis of the operation would not be likely to undermine those objectives.

2007-10 Camden Borough Police Response Team.

2010-12 Police Licensing Advisor Home Office. Secondment.

Ran and supervised the *Home Office Intensive Support Visit program (ISV) supplying training on legislation, powers and practical implementation to police forces and local authorities nationally in relation to licensing matters, pre-dominantly under the Licensing Act 2003. Completed submissions for response to Prime Ministerial Questions (PMQs), advice to various ministers including the Home Secretary on numerous occasions. Wrote the then Home Office guidance on expedited reviews and section 19 closure notices. Sat on the boards of Best Bar None, Pub Watch and Purple Flag (which included developing and promoting best practice in licensed venues). During this time I assisted in the licensing of the Olympics 2012 - this included not only licensing within the Olympic Park and other Olympic Venues but in surrounding areas and how to mitigate and reduce impacts.

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

2013-15 Richmond Borough Police Licensing Team. I was in charge of the day to day running of the team which involved consideration of applications received, dealing with enforcement issues, and liaising with the local authority. Supervised and organised the police licensing approach for the Rugby World Cup 2015, not only in relation to licensing applications made in connection with it but promoting best practice and overseeing the operation of licensed premises during this sporting event.

During my time with the police, I achieved the rank of acting Inspector but had a wide experience during my time of not only operational matters but devising strategies, policies and training as well as managing teams. I was often involved in multi-agency approaches to reducing the impact of licensed premises through the most appropriate means.

Since retirement I have conducted risk reduction and crime scene preservation training for well-known national chains. Conducted investigations into incidents arising at licensed venues and provided expert witness testimony. I have further been commissioned to implement operational procedures at licensed premises within London and nationally and impact studies for applications.

I am a Home Office qualified Crime Reduction Officer, Crime Prevention Design Advisor and CCTV systems approved officer. An expert in crime reduction design measures and getting venues experiencing such problems back on track.

*The Home Office Intensive Support Visit (ISV) programme.

I oversaw a team including solicitors, police officers, local authority officers and civil servants. I attended, supervised, and assisted in policing all these 3-day events at 53 different town and city centre locations from Hartlepool to Plymouth. The ISV consisted of training local police and local authorities on licensing legislation and powers, problem solving and partnership working. It further included visiting one night without local officers and a further night with local officers within the various night time economies. (Where problems are likely to be concentrated).

I believe this has given me a knowledgeable viewpoint and expertise on not just the police force area I came from but a view and expertise on town and city centres nationally. Having spent a year and a half on the road investigating many nighttime economies I have a knowledge I believe not many expert witnesses possess. As such I believe I am qualified to not only carry out observations on this location but to draw credible and reliable conclusions as to the likely impact of any application which may be

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

made by Tesco Stores Limited.

I conducted a series of observations in person on a number of different days and times and then reviewed the proposed application for a premises licence together with the proposed conditions and set out my view on whether this would undermine the licensing objectives.

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

Observations.

Friday 6th August 2021.

I conducted observations near and in the area around the venue beginning at 6.45pm.

Weather is good and street is well illuminated. Vision is clear.

Linden Road is a main thoroughfare road. The store is a Tesco express a small shop co located with an Esso petrol station. There are six fuel pumps on the front forecourt and ten parking spaces as well as a disabled bay to the side near a cashpoint machine. The shop sells the normal day to day groceries, papers, magazines, cigarettes, and soft drinks as well as taking payment for fuel. The site is situated outside of the Bournville trust area. There is a licensed club premises called The Bournville Working Men's Club situated in Maryvale Road, five minutes' walk away and numerous licensed premises in Cotteridge, the nearest being an off licence, an eight-minute walk, there is a further off licence in Maryvale Road again approx. an eight-minute walk. These off licences are also outside the trust area. There are residential properties across from and on the same side as the shop.

I enter the Tesco Express at 7.15pm the counter is split with 4 clear covid screens and there are 2 members of staff serving, most appear to be purchasing fuel along with items from the store, milk, bread, and ready meals. There is signage re tobacco and that there are no sales to under 18. CCTV cameras are clearly visible.

I observe most of the revenue for the store is persons buying provisions post purchasing fuel and those driving to the forecourt parking spaces provided near the cashpoint machine and entering to purchase. During my observation I only see a handful of persons enter walking in from the street. The streets in the surrounding area are very quiet I visit Bournville Lane, Maryvale Road, Beaumont Road, Franklin Road, Rowheath Road, Watford Road, and the streets between throughout the evening and night. In Beaumont Road I pay attention to the Bournville United Reform Church and its frontage which has a stepped approach. The steps are clear and remain so until I stop the observation at 10.45pm. I walk past the church four times during my observation at 7.15pm, 8.30pm, 10.15pm and 10.45pm. They are clear and I see no persons using them to loiter. I see no persons loitering or gathering in the area surrounding the store at all.

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

Throughout the observation I walk around the area up to Cotteridge and the streets between and the opposite direction up to Bournville Gardens and the streets between. This is an extremely safe area. I see no groups of youths, no persons loitering, no anti-social behaviour, no noise issues, no litter issues, from vehicles, in neighbourhood garden property or at the store itself. I visit Bournville Park at 9.00pm and Bournville Green at 9.50pm. They are empty.

During my observation I also observe how clean the streets and the front gardens of properties are in the area. Litter does not arise from the venue. Persons attending Tesco are residents themselves or in the majority of occasions leaving in vehicles and going directly away from the area residents or not.

Traffic in Linden Road is free flowing. I observe no congestion and no obstruction of the highway by vehicles entering or exiting the petrol forecourt throughout the observation. There is a white van parked directly outside the venue at 7.15pm and it remains there throughout the observation until 10.45pm. I can safely say this vehicle is not connected to store and must belong to local resident (It causes no obstruction).

I find of Interest re road congestion that the front of the forecourt and store on Linden Road is the most congestion free on the whole of the road itself, as vehicles turn in and use the fuelling bays or parking spaces provided, as well as these there are areas that can be used to park a vehicle and not cause obstruction. Outside of the houses on the Linden Road just past the junction with Maryvale Road towards Bournville Park, vehicles are parked half on the road and half on the footpath causing an obstruction to the highway and footpath. I am not stating this is dangerous but merely that the safest part of Linden Road during my observation was directly outside and opposite the petrol forecourt and store.

The store is closed at 10.30pm and the large Esso illuminated sign at the front is turned off stopping late night light pollution. A light within the store remains on, I would imagine for crime prevention purposes. Keeping this light on has no effect on residents.

The cash machine is not security grilled off and the forecourt has no barrier to stop vehicles turning (although through my observation I did not see vehicles use forecourt to do this).

Observation ends 10.45pm.

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

Saturday 7th August 2021.

I conducted observations near and in the area around the venue beginning at 10.00am.

Weather is good with intermittent showers lasting a couple of minutes. Vision is clear.

At 10.20am a large white articulated truck with Tesco insignia on cabin arrives and turns into forecourt. It stops on the forecourt behind a vehicle that has refueled and waits for the driver to return. After two minutes the driver returns and drives off. The lorry turns right past the front of the fuel pump and waits for vehicle parked next to delivery area to move. I notice that the two parking bays in front of the cash machine have been cordoned off with traffic cones. The driver returns to vehicle and drives off. The lorry now turns and reverses into the space vacated next to the delivery area at side of store.

The driver and passenger exit the lorry. The engine is not running. A tailgate is lowered the back is opened and tall cages on wheels that contain various boxes of goods are removed into the rear of the premises. I can hear a slight rattling of the cages whilst on the forecourt. I also observe from the opposite side of the Linden Road I can hear nothing from the delivery. I observe three cages being unloaded (there may have been more) from my positions. The two employees from the lorry were assisted by two male staff from the store. At 10.50am the driver gets his delivery sheet signed by staff member and the lorry leaves driving straight onto Linden Road.

There has been no obstruction of the road and no obstruction on the forecourt.

Shop staff have closed parking bays next to cash machine and kept the disabled bay clear. This stopped any possible obstruction.

There is no nuisance with noise at this time on the forecourt and no noise from the delivery on the opposite footway in Linden Road.

I was impressed with the operation of the delivery by driver and staff at the store, very smooth, no obstruction, minimum noise.

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

At 11.00am I visit Bournville Park and then Bournville Green. No persons loitering, no anti-social behavior.

At 11.30am I notice a police vehicle attend the forecourt. The officer exits her vehicle enters the store and purchases groceries.

Throughout the observation I do notice that the use of fuel pumps is busier than the previous night's observation. At 12.25 pm it reaches its busiest. All six pumps are being used and one car is parked waiting for a vehicle to move so it can refuel. There are a further six cars parked at the bays to the side of the store near the cash machine these persons are using the cash machine and/or buying groceries. There is still no obstruction to Linden Road.

I again note that at 1pm there are cars parked along Linden Road and on the footway apart from the front of the petrol station which is the most clear and unobstructed part of the road.

I witness a vehicle owner having problems with paying at the pump. A staff member was out on the forecourt remedying the situation within a minute of the problem being brought to their attention via the till system. Quick resolution, great management, proactive staff.

Considering this is a Saturday, I am surprised that through my observations walking along and through Bournville Lane, Maryvale Road, Beaumont Road, Franklin Road, Rowheath Road, Watford Road, and the streets between throughout I observe no groups of youths, no littering, and no anti-social behaviour.

Observation ends 2.00pm.

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

Saturday 14th August 2021.

I conducted observations near and in the area around the venue beginning at 6.45pm.
Weather is good and vision is clear.

Throughout my observations this evening I conduct a snapshot of figures attending the store.

| vehicles | Refuel | Shop | Cash Machine | Walk ins (no vehicle) |
|-------------------|--------|------|--------------|-----------------------|
| 6.45pm to 7.00pm | 3 | 9 | 1 | 6 |
| 7.45pm to 8.00pm | 6 | 5 | 0 | 5 |
| 8.45pm to 9.00pm | 2 | 4 | 0 | 3 |
| 9.45pm to 10.00pm | 2 | 2 | 1 | 4 |

There are no obstructions to the forecourt, the parking area, or Linden Road during my observations.

There are no youths entering, except for three females approx. 16 to 18yrs at 8.48pm.

The shop and its petrol forecourt were not busy.

There is no litter.

At 7.05pm I walk through Bournville Park, there is one male with two small children in the playground, the rest of the park is empty.

At 7.15pm I walk through Bournville Green, there is one female walking through the Green.

I notice that there are Controlled Drinking Zone signs displayed at various places within the trust area.

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

At 8.48pm I observe three young females (16 to 18yrs) enter purchase items from the store and leave. The first group of young persons I have seen. No way can they be described as troublesome. All well behaved and quiet.

At various times the last being 10.20pm I walk up and down Beaumont Road paying attention to the United Reform Church and its frontage. It is clear throughout.

At 9.15pm I walk through Bournville Park it is empty.

At 10.26pm the illuminated Tesco sign is turned off followed by the forecourt sign.

At 10.32pm staff lower the shutter and lock the door. One staff leaves on pedal cycle the other leaves on foot. There is no noise.

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

Tuesday 17th August 2021.

I conducted observations near and in the area around the venue beginning at 7.15am.

Weather is good and vision is clear.

On arrival at 7.15am a delivery is in progress at the store. I stand on the opposite footway in Linden Road and observe. On this occasion there is only the driver making the delivery he is assisted by a member of staff from the store. I see that the lift at the back of the lorry is lowered it has on it two cages with boxed goods inside. I can hear the cage rattle as the lift touches the floor. It is minimal even at this time of the morning and not what I would consider to be nuisance level. The staff and driver wheel the cages into the delivery bay at the back of store again minimal noise. At 7.46am the vehicle leaves there has been no obstruction caused to traffic and noise is kept to a minimum.

I enter the store and see that a male member of staff is already placing items from the delivery cage onto shelves in the store. I leave the store and notice there is what appears to be a handle for a security grill on the cashpoint machine. I have not seen this used upon the store closing.

Between 8am and 8.45am Linden Road becomes the busiest I have seen it. There is congestion on the Linden Road, but this tails back to Maryvale Road going in the opposite direction from the store heading North. The most congestion free area on the Linden Road is directly outside the store itself south of the junction with Beaumont Road. There is no obstruction.

I again walk up and down Beaumont Road, Maryvale Road, Franklin Road, Bournville Park, Bournville Green and the Linden Road itself. No anti-social issues, no loitering by persons, no litter. The only observation I can make is that Linden Road is busier. The part of the Linden Road outside the store forecourt is congestion free. The forecourt itself is not busy and the delivery vehicle had no problem leaving.

I conclude observations at 9.45am.

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

Wednesday 18th August 2021.

I conducted observations near and in the area around the venue beginning at 11.00am.

Weather is good and vision is clear.

At 11.00am there are five vehicles refueling and four vehicles parked in bays near the cashpoint machine. The forecourt is busy. There is no congestion on the forecourt or in Linden Road. There are still two usable vacant bays for vehicles and a fuel pump still free. This is its busiest with no obstruction or congestion. The vehicles on the forecourt and parking bays clear very quickly. I would say that the visit is a maximum of five minutes for each vehicle.

The footway in Linden Road, Beaumont Road, Maryvale Road and Franklin Road are litter free. I note that the bus stops on both footways on Linden Road have bins next to them. The nearest bus stop is approx. 100 yards North of the store.

At 12 midday within Bournville Park there are six children with two adults within the enclosed play area. There are eight people walking in the park. No nuisance.

At 12.10pm there are four vehicles on the forecourt one of which is a police patrol vehicle refueling.

I walk from 12.30pm to 2pm, the following both footways Linden Road, Maryvale Road, Beaumont Road, Franklin Road, Selly Oak Road, Bournville Lane, Bournville Park, Rowheath Park, Rowheath playing fields and Woodlands Park. I see people walking, walking with dogs, children playing at Rowheath Pavilion. I see no groups of youths, no suspicious persons or activity and in the main no litter.

I conclude observation at 2.00pm.

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

Sunday 22nd August 2021.

I conducted observations near and in the area around the venue beginning at 7.15am.

There are six litter bins on the forecourt, three at the pumps, one front of store, one parking bays and one on exit. There are four further bins at the bus stops North and South of the store on Linden Road. I have made comment that the area is not problematic with litter. I have walked the length of Linden Road this morning both footways from Franklin Road to Bournville Lane (approx. 1 mile). There is no problem with litter particularly in residential gardens and driveways. I pay attention to the front of every house on this stretch of road and see two cola cans that may or may not be attributable to the store.

At 8.20am, I observe that cones have been placed in the two parking bays near the cashpoint machine. There are still eight free parking bays and a disabled bay free. Staff have done this to ensure vehicles are not blocked in whilst delivery is made ensuring free flowing traffic on forecourt.

At 8.34am, the delivery lorry attends drives into forecourt and reverses into delivery area at side of store, no congestion or obstruction. Again, noise levels low. Driver and member of staff unload. The sound of the cage with boxes inside can be heard from opposite footway but not loud and not a nuisance. This is a quiet Sunday morning, and I can just hear it. At 9.05am the lorry leaves.

The store seems this morning to have less vehicles refueling but more customers shopping for newspapers, bread, and general groceries. A lot more residents walking in.

From 9.35am to 10.45am. I walk Linden Road, Beaumont Road, Maryvale Road, Franklin Road, Bournville Lane, Park and Green. All not busy apart from the café on the Green which is full. I see nothing that would contravene any of the licensing objectives. No suspicious activity, no groups of youths, no noise nuisance, no litter, no congestion of footpath or road.

I conclude the observations at 10.45am.

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

Monday 23rd August 2021.

I conducted observations near and in the area around the venue beginning at 1.00pm.

At 1.00pm there are four vehicles refueling and three vehicles parked in bays. There is no obstruction or congestion.

At 1.35pm I enter the store for a scheduled appointment and ask to speak with the manager of the store Mr. David DENT.

Mr. DENT and I went to the back of store into the delivery yard and conversed re any possible application for the sale of alcohol at the premises.

The main points gathered by me from Mr. DENT are as follows

Alcohol would only be sold close to the rear of the store and away from the window and entrance/exit (there is only one way in & out).

Spirits and Champagne will be behind the service till furthest away from the window. It will be kept in a locked cabinet closed when the store is closed.

There have been no break-ins within the last 12 months.

There has been a marked reduction in the number of vehicles making off without payment for fuel. This is due to a pay at pump, card only pump situated nearest to the exit. It was installed in June 2020 and has been highly effective.

Lighting of gantry and signs always switched off when store is closed. A light remains on inside for crime reduction purposes.

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

He has recently been supplied with keys for locking the grill on the cashpoint machine. This will be locked on closure of store from now on.

I viewed the CCTV system with Mr. DENT the image is clear with good resolution. Date and Time stamp correct. Images are kept for 28 days and produced to police when they request. Coverage of the forecourt, the tills, the entry and exit and the rear yard is good. The coverage within the store could be improved further in some places. Should a premises licence be granted then more cameras might be added to the system to ensure full coverage of any areas where alcohol is to be displayed.

There is an electronic incident log in place at the premises. It needs in my opinion to be filled in daily. If no incidents, then state no incidents at the end of day. I advise it be completed daily.

Local police officers do their shopping at the store daily, sometimes they just visit. They have a great relationship with the local police officers and have had no complaints re any perceived problems. He sees this as pivotal as the last thing he wants to be seen as is a problem. He honestly believes the exact opposite viewpoint is held by the police who see him as a well-run friendly store.

All staff are subject to online training in the following

- Age restricted sales
- Responsible retail
- Health and Safety
- Fire safety
- Conflict management
- STAR training (SEE THINK ACT REPORT) They have zero tolerance on Disorderly and nuisance behavior.

He further stated that unlike other off licence alcohol sale venues in the area. All the policies and training are already in place for himself and his members of staff.

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He feels it is a little unfair that less well equipped and supported shops have been given the benefit of alcohol sales.

There are daily requests by customers asking enquiring about alcohol.

He and staff empty bins daily sometimes more. They have six bins outside the store. When he empties them, he states they are full of non-Tesco refuse. Which he believes shows that they pro-actively assist in reducing litter around the venue. He further stated that the area is one of the cleanest he has seen.

There are no groups of youths or suspicious persons hanging around the area.

At 2.35pm. I walk Linden Road, Beaumont Road, Maryvale Road, Franklin Road, Bournville Lane, Park and Green. All not busy. I again see nothing that would contravene any of the licensing objectives. No suspicious activity, no groups of youths, no noise nuisance, no litter, no congestion of footpath or road.

I conclude observations at 4.00pm

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Conclusion.

The store is used by customers refueling vehicles (and often seemingly purchasing groceries at the same time), persons attending in vehicles to purchase groceries and persons walking in to buy groceries. I would say that the latter are in the main close by residents.

There is no street drinking, groups of youths, littering or anti-social behavior. The footpaths and drives around the store are probably the cleanest I have seen.

I have witnessed no obstruction of the road or footpath. There are six spaces for cars refueling. There are ten parking spaces and a disabled bay. A good number for customers frequenting. Even at its busiest on Saturday, there was no obstruction. The fact is that the front of the store (Linden Road) is probably the least congested and causes the least obstruction of the road and the footway.

Deliveries are quick approx. thirty minutes. Two parking bays are cordoned off to stop vehicles being obstructed by delivery lorry. Noise during the day from delivery cannot be heard and is minimal in the morning when the area is quiet. Difficult to hear from opposite footway and not a nuisance. There is no excessive noise.

This is not a corner shop or privately owned off licence that can in my opinion be more problematic but a large brand express shop. Tesco I am aware have staff training on sales of alcohol, sales to drunken persons, underage sales, and proxy sales. I would propose that all staff at this store are trained in these aspects with refresher training twice per year (and I understand this is the Tesco policy in relation to such training).

Test purchasing is also a proactive method in due diligence by the company and staff.

I would recommend this is carried out impartially and unannounced twice yearly as a minimum (but I understand that Tesco already do this more frequently within the stores which have a premises licence).

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I recommend that spirits and champagne not be displayed in the main shop floor displays but kept behind the service counter (again I understand that this is what Tesco does within similar stores which have a premises licence).

Displays of beer and wine should be close to the checkout and kept well away from the entrance/exit.

CCTV must be maintained and cover all areas of alcohol display and checkout. Images must be stored for a minimum of 28 days and a copy provided to police or a local authority licensing officer immediately upon reasonable request.

Incident log is completed daily and available for inspection by police or local authority

I have seen from previous objections to the previous application made that crime is mentioned as a problem at the store. There is no such thing as a crime free venue. In all my many dealings with licensed premises and having supervised Westminster's 3,628 licensed premises (figure at my time of leaving post) this is with respect not achievable. However, from my observations and conversations with Mr. DENT I would categorise this store as being well run, within an area that does not appear to have problems with crime and disorder or nuisance. As such, I do not think the granting of a licence for the proposed hours (with the proposed conditions Tesco intended to offer) would under the licensing objectives under the Licensing Act 2003, cause any problems at all.

I am satisfied that the staff levels, training of those staff and the controls, policies, and systems which Tesco has in place are more than adequate to deal with any issues that could arise, however unlikely.

The police, local authority and residents all have legislative powers to deal with a venue causing any licensing objective problems. If the venue is granted a premises licence, there is always an incentive to comply. If a store does not comply its licence can be reviewed and ultimately removed.

During all my police service with the metropolitan police and home office a stance of zero crime has never been requested of a licensed venue, such requests must be

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achievable. The crimes alleged are low when compared to the number of customers frequenting, the store has already seen reductions in what are small numbers anyway by implementing crime reduction and anti-nuisance measures. I further believe that if the measures that I mention are implemented additionally as conditions this venue will not cause problems or have a negative effect on the licensing objectives. These will not reduce crime to zero, as this is never achievable, but they will have a marked positive effect on any perceived crime and nuisance issues at the store. This is not a magnet for crime far from it.

I have witnessed no noise nuisance, no disturbances, no crime, no litter problems (at venue or gardens of residents), no young persons gathering, no street drinking or in the parks. It is not there.

I have seen very good forecourt management by staff in dealing with problems and deliveries.

I am impressed with the manager David DENT who seems to take his role seriously, has built strong partnerships with local police and is aware of the perceived problems voiced by residents and how to reduce any such fears they may hold.

I believe any application for this store should not be judged purely on what may happen but how the store is going to deal with the perceived problems in holding a licence. They have and will have additionally resulting from this report everything in place.

Will there be young people attracted if alcohol sales were allowed. At this point I would say no, the fact is that I have seen absolutely no evidence of such problems. The hours which the venue seeks are not what appears to be unsocial as they have been reduced and now fall in line with the store opening hours.

This is also not in the trust area. I had a large part in devising and implementing the Cumulative Impact policy at Westminster that is still within the statement of licensing policy now. I would never have treated a venue lying outside the area the same as one within. I believe that would have been most unfair.

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My conclusion is that there is no reason under the licensing objectives why an application for a premises licence allowing off sales at the store should be refused for the proposed hours and with the proposed conditions which I have seen and reviewed.

All matters relevant in the report on which my expert evidence is given has been included in this report. I believe the facts I state in this report are honest and true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional on the outcome of any future case, application or finding.

February 2022

MARK HALTON - MJH LICENSING CONSULTANTS LTD

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

IMAGES

1. Tills, Covid Partitions, and clear CCTV signage.
2. Off licence in Cotteridge, 8-10 min walk from store.
3. Linden Road directly outside front of store 6/8/21 7.44pm.
4. United Reform Church Beaumont Road 6/8/21 10.15pm.
5. Delivery bay and cash machine.
6. Parking bays suspended by staff. Delivery cage visible at rear of lorry.
7. Delivery lorry making delivery.
8. Linden Road 14/8/21 7.47pm. Front of store.
9. Linden Road south of store.
10. Beaumont Road.
11. Bin at bus Stop Linden Road 25 yards North of store.

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12. Alcohol Restricted Area Signage. Bournville Green. Replicated on Linden Road.

13. Bournville Park. 14/08/21 6.05pm.

14. Bournville Green. 17/08/21 9.05am.

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

1.



OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

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OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

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OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

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OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

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OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

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OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

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OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

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OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

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OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

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OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

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OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

14.



OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

'Specialists in risk reduction, training, compliance, observations and investigations for the licensed trade'

Mark Halton | Licence Consultant |

OBSERVATIONAL REPORT: Tesco Express Linden Road Birmingham B30 1PA.

From: Mark Swallow
Sent: 28 April 2022 10:41
To: 'Jeremy Bark'
Cc: Licensing
Subject: RE: [External]: Tesco Express, Linden Road, Birmingham

Good Morning Licensing,

I can confirm that the below listed conditions have been agreed with the applicant. Can they be added to the license please to promote the licensing objectives.

West Midlands Police have no objections to the issue of the license with the addition of these conditions.

Mark Swallow.
West Midlands Police.
Birmingham Central Licensing Team.

From: Jeremy Bark
Sent: 28 April 2022 10:20
To: 'Licensing'
Cc: Mark Swallow
Subject: [External]: Tesco Express, Linden Road, Birmingham

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Dear Sirs

We have been discussing the application with the police and the police asked for some additional conditions which we have agreed and set out below. Mark will confirm that the police are happy with these.

1. The premises licence holder shall carry out a risk assessment to determine the need to employ SIA security personnel at the premises. Where the premises licence holder identifies the need to employ security personnel at the premises as a result of such risk assessment then it shall so on the days and at the times as identified as requiring such provision. An initial risk assessment shall be carried out and shall be updated every 12 weeks unless circumstances dictate that it should be updated sooner.
2. Where security personnel are employed at the premises then contact details for such persons shall be provided to the police upon request and suitable arrangements shall be put in place to allow them to sign in and sign off duty and they shall be required to display appropriate identification of their SIA licence status.
3. A digital record of incidents occurring at the premises shall be kept at the premises by the management team and made available on request to an authorised officer of the licensing authority or the Police. It should be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue;
 - (b) any serious incidents of disorder occurring within the premises
 - (c) any thefts or attempted thefts from the premises;
 - (d) any serious issues in relation to the sale of alcohol within the premises;
 - (e) any faults in the CCTV system; or
 - (f) any visit by a relevant authority or emergency service.

Kind regards

JEREMY BARK
Associate Director



Birmingham City Council

Map Created By:

Date of Map Creation: 10/12/2018

Notes



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Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 10/12/2018



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