

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee A
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Monday 20th November 2017
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	Costcutter, 338 Brays Road, Sheldon, Birmingham, B26 2RL
Ward affected:	Sheldon
Contact Officer:	Shaid Yasser, Senior Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider a relevant representation that has been made in respect of an application to vary the Premises Licence which seeks to extend the hours for the Sale of Alcohol (for consumption off the premises), to operate 24hours (Monday to Sunday).

Premises to remain open to the public 24hours (Monday to Sunday).

2. Recommendation:

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

3. Brief Summary of Report:

Variation application received on 28th September 2017 in respect of Costcutter, 338 Brays Road, Sheldon, Birmingham, B26 2RL.

A representation has been received from other persons.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:
<p>Saeed Iqbal applied on 28th September 2017 to vary the Premises Licence for Costcutter, 338 Brays Road, Sheldon, Birmingham, B26 2RL.</p> <p>A representation has been received from a Local Ward Councillor, which is attached at Appendix 1.</p> <p>The application is attached at Appendix 2.</p> <p>Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 3.</p> <p>The current Premises Licence is attached at Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.

6. List of background documents:
<p>A copy of the representation as detailed in Appendix 1</p> <p>Application Form, Appendix 2</p> <p>Conditions agreed with West Midlands Police, Appendix 3</p> <p>Current Premises Licence, Appendix 4</p> <p>Site Location Plans, Appendix 5</p>

7. Options available
<p>To grant the variation application</p> <p>To refuse the whole or part of the application</p> <p>To modify the conditions of the Licence</p>

Appendix 1

From: Councillor Paul Tilsley
Sent: 04 October 2017 14:50
To: Licensing
Subject: Application 102982, 338 Brays Road, B26 2RL

Thank you for the notification regarding the application of the above premises for a 24 hour license.
I wish to oppose this application as there are residential properties in close proximity and it does not add any benefit to the retail offer in Sheldon and will add to the nuisance factor within the community.
Cllr Paul Tilsley CBE

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We **SAEED IQBAL**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 4028/2

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference		BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 2005/27	
COSTCUTTER 338 BRAYS ROAD SHELDON			
Post town	BIRMINGHAM	REF NO	
INITIALS		Postcode	B26 2RL
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£22,250	

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	Postcode

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? ☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☐ No

<p>Please describe briefly the nature of the proposed variation (Please see guidance note 2)</p> <p>ALLOW OPENING TIMES AND ALCOHOL SALES 24 HOURS A DAY</p>
--

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A) ☐
- b) films (if ticking yes, fill in box B) ☐
- c) indoor sporting events (if ticking yes, fill in box C) ☐
- d) boxing or wrestling entertainment (if ticking yes, fill in box D) ☐
- e) live music (if ticking yes, fill in box E) ☐
- f) recorded music (if ticking yes, fill in box F) ☐
- g) performances of dance (if ticking yes, fill in box G) ☐
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☐

Provision of late night refreshment (if ticking yes, fill in box I) ☐

Supply of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both -- please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both -- please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	0000	2400			
Tue	0000	2400			
Wed	0000	2400			
Thur	0000	2400	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	0000	2400			
Sat	0000	2400			
Sun	0000	2400			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>NONE</p>
--

L.

Hours premises are open to the public Standard days and timings (please read guidance note 8)		
Day	Start	Finish
Mon	0000	2400
Tue	0000	2400
Wed	0000	2400
Thur	0000	2400
Fri	0000	2400
Sat	0000	2400
Sun	0000	2400

State any seasonal variations (please read guidance note 6)

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

NONE

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

ALL RETAILS SALES OF ALL PRODUCTS WILL BE THROUGH A WINDOW KIOSK
ADJACENT TO THE SALES COUNTER OF THE STORE BETWEEN THE HOURS OF 11PM
AND 6AM

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

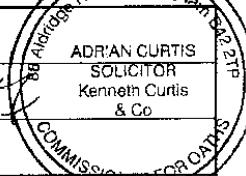
- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	<i>Kenneth Curtis & Co</i>
Date	<i>28th September 2014</i>
Capacity	<i>Solicitors</i>



Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

KENNETH CURTIS & CO
88 ALDRIDGE ROAD
PERRY BARR

Post town	BIRMINGHAM	Post code	B42 2TP
Telephone number (if any)			

From: Christopher Jones
Sent: 19 October 2017 11:36
To: Licensing
Cc: Adrian Curtis
Subject: FW: LICENSING ACT 2003 - PREMISES LICENCE VARIATION APPLICATION -
PREMISES: COSTCUTTER, 338 BRAYS ROAD, SHELDON, BIRMINGHAM, B26 2RL

Dear Licensing,

With regard to the licence variation for Costcutter. 338 Brays Road, Sheldon. B26 2RL.

West Midlands Police have reviewed this application and are happy that if the below conditions are added to the premises licence then the licensing objectives will be met and promoted.

The below conditions have been agreed with the applicant via their solicitor, who is copied into this email as acceptance as per below email chain.

1. No sales of cans / bottles of lager or cider over 6% ABV between 2300 & 0600 hrs. Prominent signage displayed on the serving hatch informing customers of this restriction.
2. Prominent challenge 25 signage to be displayed on the serving hatch.
3. CCTV to cover the external & internal serving hatch area. CCTV images to be held for a minimum of 28 days.
4. External lighting to be maintained to ensure clear CCTV images.
5. No persons to be allowed inside the shop premises between 2300 & 0600 hrs with the exception of those staff on duty, working within the shop.
6. The main shop entrance to be locked / secured as not to allow public access between 2300 & 0600 hrs. Premises to have a fire risk assessment to cover the entrance being locked / secured. This risk assessment to be made immediately available to any of the responsible authorities on request.
7. Premises to have a monitored personal attack / panic alarm if there is lone working at the premises between 2300 & 0600 hrs. The alarm to be tested at a minimum of every 2 months and recorded. The first test no later than 2 weeks after the grant of the licence. These test records to be made immediately available to any of the responsible authorities on request.

If these above conditions are imposed onto the licence then West Midlands Police have no objection to this application.

Regards

Chris Jones 55410

Birmingham Central Licensing Team

West Midlands Police HQ
Lloyd House

Colmore Circus
Birmingham
B4 6NQ



From: Adrian Curtis !
Sent: 19 October 2017 11:03
To: Christopher Jones
Subject: FW: LICENSING ACT 2003 - PREMISES LICENCE VARIATION APPLICATION - PREMISES: COSTCUTTER, 338 BRAYS ROAD, SHELDON, BIRMINGHAM, B26 2RL

Dear Chris,

My instructions are my client agrees to all 7 conditions as amended. Will you let licensing know please can copy me in.

Thanks

Adrian

Adrian Curtis
Solicitor & Partner

Kenneth Curtis & Co.
Solicitors



*Kenneth Curtis & Co are authorised and regulated by the Solicitors Regulation Authority
SRA No: 45861*

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CYBER FRAUD- important note:-

PLEASE NOTE that our bank account details **WILL NEVER** change during the course of a transaction, and we will **NEVER** change our bank details via email. We advise you to check account details with us in person. We will not accept responsibility if you transfer money into an incorrect account.

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LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

4028 / 2

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Costcutter 338 Brays Road Sheldon	
Post town:	Post Code:
Birmingham	B26 2RL
Telephone Number:	
Not Specified	
Where the licence is time limited the dates	
N/A	
Licensable activities authorised by the licence	
M2	Sale of alcohol by retail (off the premises)
The times the licence authorises the carrying out of licensable activities	
Monday - Sunday	06:00 - 23:00 M2
The opening hours of the premises	
Monday - Sunday	06:00 - 23:00
Where the licence authorises supplies of alcohol whether these are on and/or off supplies	
Off Supplies Only	

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Saeed Iqbal	
Post town:	Post Code:
Telephone Number:	
Email N/A	

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

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

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

Dated 16/07/2014

David Kennedy
Principal Licensing Officer
For Director of Regulation and Enforcement

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Annex 1 – Mandatory Conditions

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

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

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol:- The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The Designated Premises Supervisor or another qualified person, will train any staff at the Premises on the basic laws of selling alcohol and on compliance with the conditions on the Premises Licence. A log of the training shall be maintained and kept on the Premises and shall be available for inspection by any Responsible Authority on request.

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

A notice stating that 'no sales of alcohol to persons under the age of 18 years of age', shall be displayed at the Premises.

A notice stating that it is illegal for persons to buy alcohol on behalf of persons under the age of 18, will be displayed at the Premises.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

All refused sales of alcohol shall be recorded in a refusals register and the register can be inspected by any Responsible Authority upon request.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

CCTV to be fitted/updated to the specification and requirements of West Midlands Police.

CCTV images and recordings to be made immediately available and downloadable on request of the responsible authorities.

CCTV signage to be displayed on the entrance door and on the area where alcohol is displayed for sale.

Detailed incident log to be kept, even if emergency services are not called / attend. (Log to include time, date, description of person(s) and type of incident).

3c) Committee conditions to promote public safety

N/A

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

N/A

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

Premises to adopt Challenge 25 Policy.

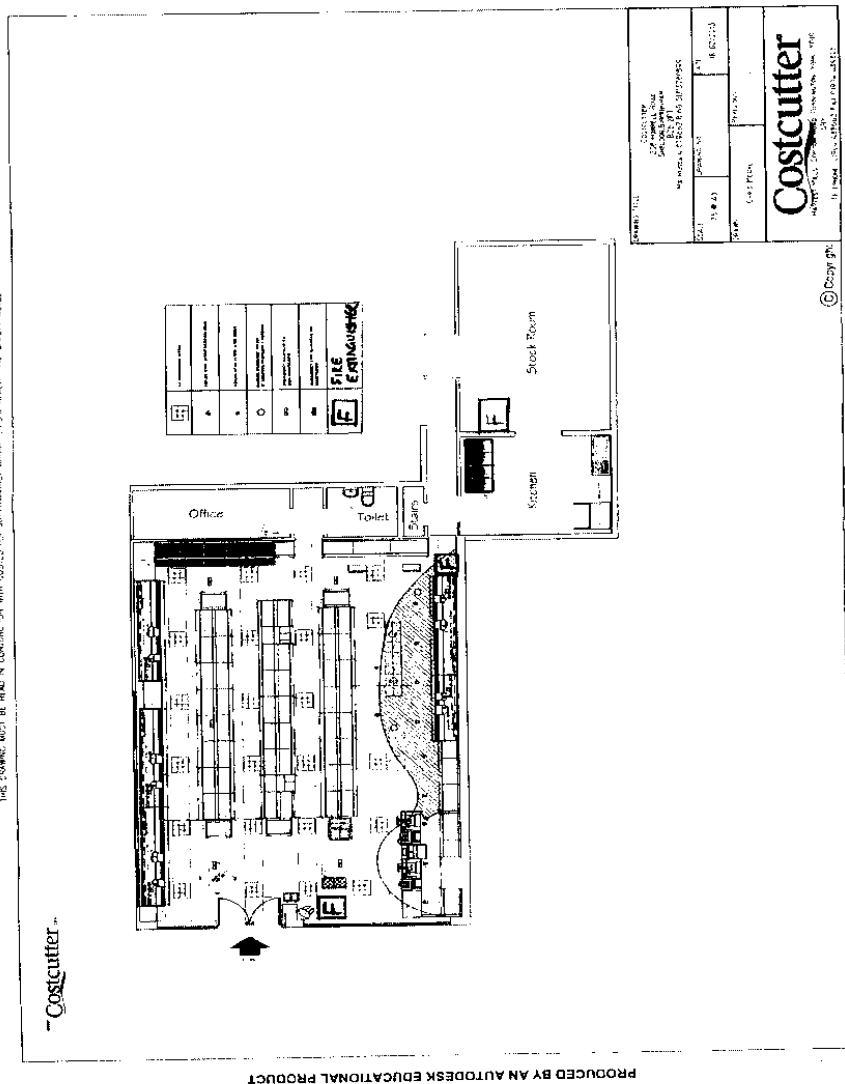
All staff to be trained in Challenge 25 Policy. All training to be documented and made available to any of the responsible authorities on request.

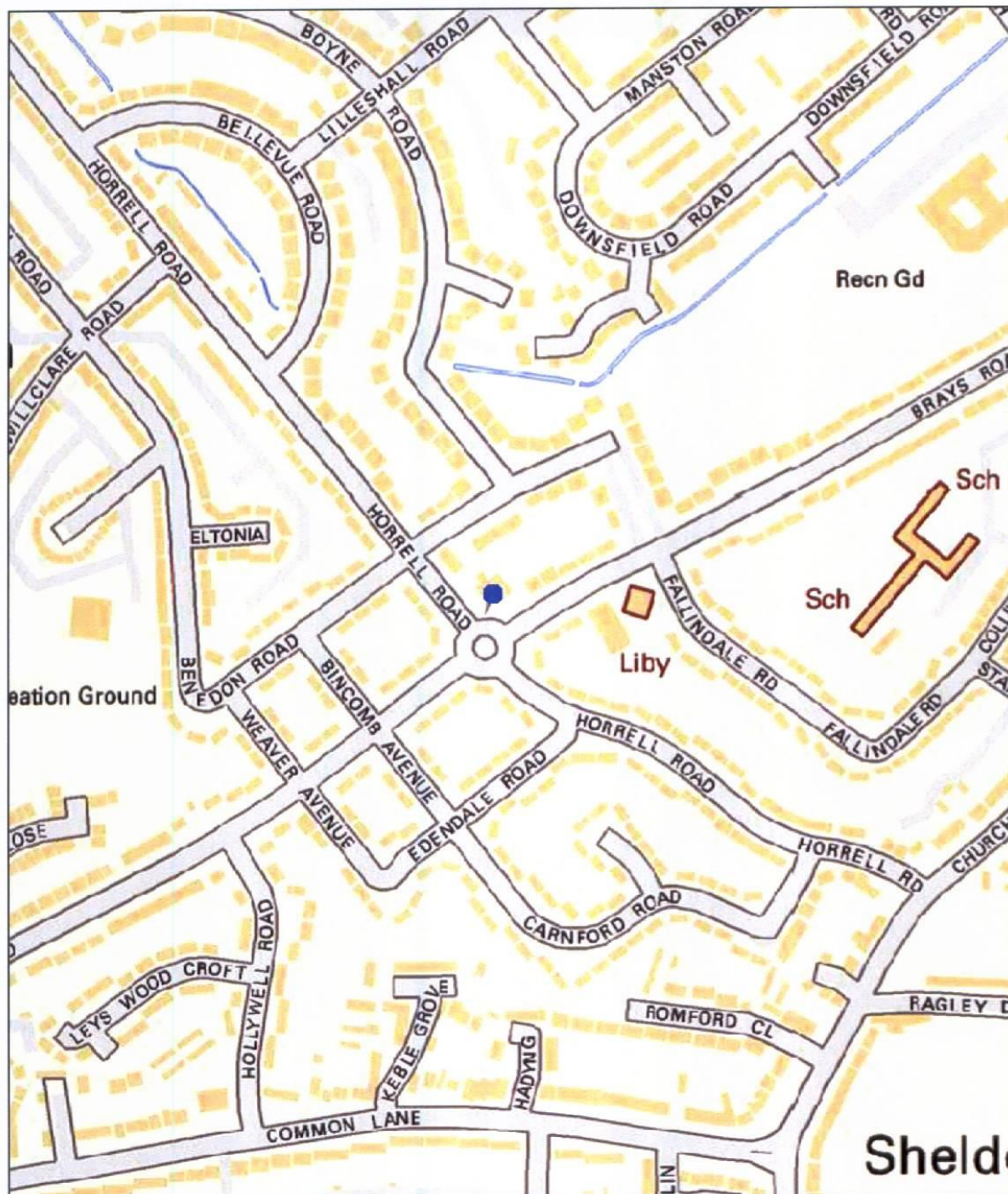
Challenge 25 signage to be displayed prominently on the entrance door and point of sale area.

Refusals book to be kept and signed off weekly by the Designated Premises Supervisor (DPS).

Annex 4 – Plans

THIS TRAINING MUST BE READ IN CONJUNCTION WITH COMPTON'S SUPERMARKET GROUP'S HEALTH AND SAFETY NOTES
PRODUCED BY AN AUTODESK EDUCATIONAL PRODUCT





Birmingham City Council

Map Created By:

Date of Map Creation: 12/10/2017

Notes



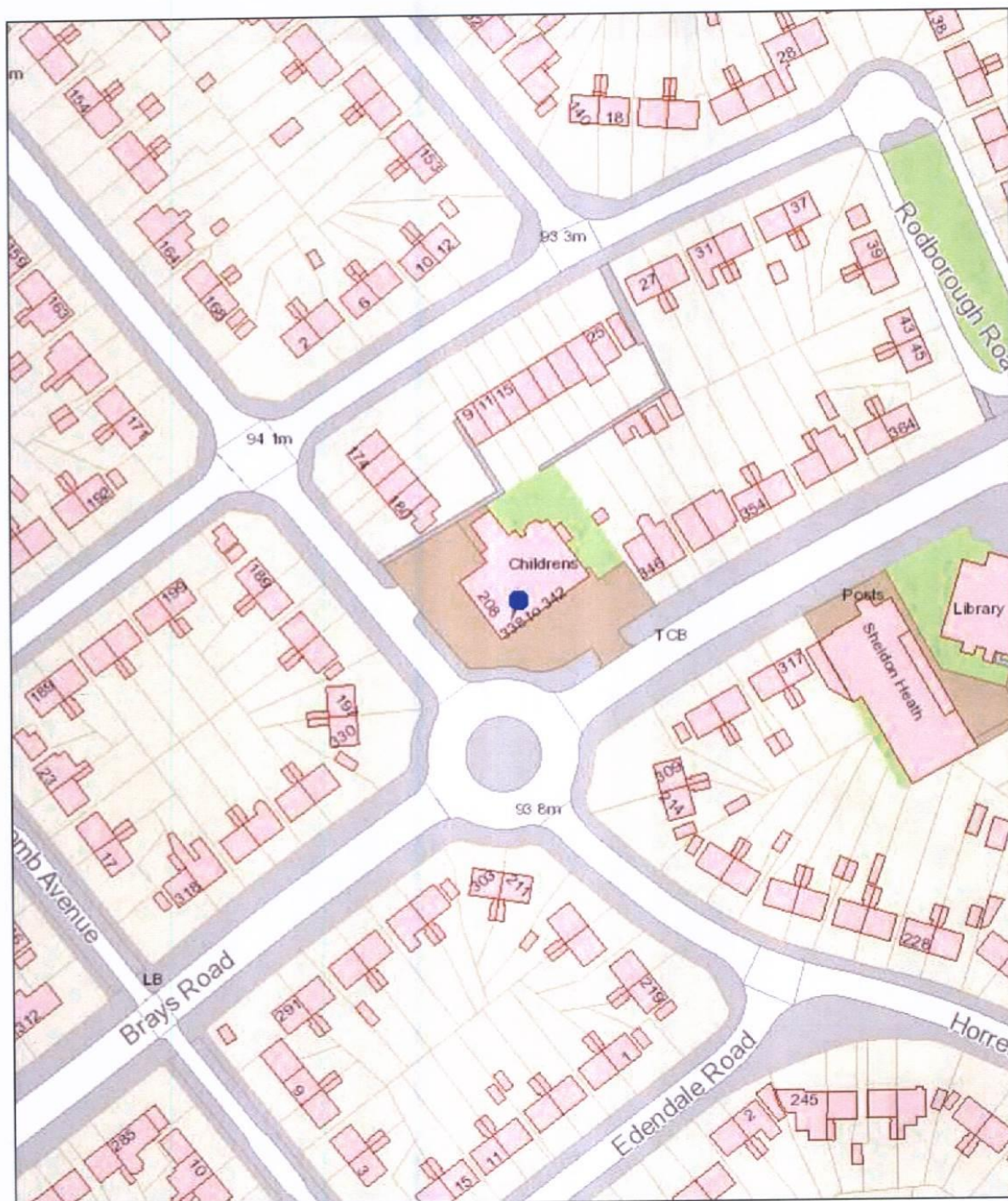
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