

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 16th February 2022
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Burger and Sauce, 38 – 44 High Street, Kings Heath, Birmingham, B14 7LB
Ward affected:	Brandwood and Kings Heath
Contact Officer:	Shaid Yasser, Senior 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 provision of late night refreshment, to operate outdoors only, from 11:00pm until 03:00am (Monday to Sunday).

The provision of Regulated Entertainment consisting of recorded music, to operate indoors only, from 12:00midday until 02:00am (Monday to Sunday).

Premises to remain open to the public from 12:00midday until 03:00am (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 29th December 2021 in respect of Burger and Sauce, 38 – 44 High Street, Kings Heath, Birmingham, B14 7LB.

Representations have been received from Environmental Health and from other persons.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

<p>5. Relevant background/chronology of key events:</p> <p>BKSH Limited applied on 29th December 2021 for the grant of a Premises Licence for Burger and Sauce, 38 – 44 High Street, Kings Heath, Birmingham, B14 7LB.</p> <p>A representation has been received from Environmental Health as a responsible authority, which is attached at Appendix 1.</p> <p>Representations have been received from other persons, which are attached at Appendices 2 – 12.</p> <p>The application is attached at Appendix 13.</p> <p>Site Location Plans at Appendix 14.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
<p>6. List of background documents:</p> <p>Copy of the representations as detailed in Appendices 1 – 12</p> <p>Application Form, Appendix 13</p> <p>Site Location Plans, Appendix 14</p>
<p>7. Options available</p> <p>To Grant the licence in accordance with the application.</p> <p>To Reject the application.</p> <p>To Grant the licence subject to conditions modified to such an extent as considered appropriate.</p> <p>Exclude from the licence any of the licensable activities to which the application relates.</p>

From: Peter R Brown
Sent: 10 January 2022 09:37
To: Licensing Online
Subject: FW: Burgers and Sauces, High St, Kings Heath.

Good morning

This is an application for late nigh refreshments up to 2am seven days a week. Environmental Health objects to the requested hours on the grounds that those hours would adversely affect the amenity of the residents above and nearby. There are no other late night food or entertainment businesses operating in this partially residential area. In accordance with the hours of other such licensed operators in the area, we would support opening hours up to 23.00 Sun to Thu and 12.00 Fri and Sat.

Regards

Peter Brown
Environmental Health Officer

City Operations Directorate

From: Councillor Lisa Trickett
Sent: 26 January 2022 13:42
To: Licensing <licensing@birmingham.gov.uk>
Cc:
Subject: BSKH Ltd Premises Licence

I would wish to object to BSKH's application to be open for late night refreshments until 3am. Since opening this venue has already seen a number of incidents and has become a draw for significant gatherings of young people from different parts of the community who are hostile to each other. In a recent incident concerns were raised with the management of the premises who said they could not get involved in dealing with disturbances directly outside their venue or between different customers as that could be bad for business and invite repercussions. A view that is understandable but is a form of management that is utterly inappropriate to the late night opening of a venue that could easily become a food and fight magnet for people leaving late night pub openings. Residents from Grange road have made various representations to me and are also concerned about the noise nuisance and risk of ASB occurring on the residential areas that abut the premises. I would ask that this licence is refused on the basis of the prevention of crime and disorder, the protection of public safety and the prevention of nuisance.

From:

Sent: 12 January 2022 14:30

To: Licensing

Subject: Burger & Sauce, Kings Heath, Licensing Application

I wish to object to the granting of this licence.

I am a resident of Grange Road (address below).

I objected to the Planning Application for this fast food outlet.

Since the outlet has opened, pretty much all of my original objections have come to pass:

Traffic has increased - the High Street end of Grange Road is permanently knotted with cars entering and leaving and turning round - it is now routine behaviour for customers to park on the double yellow lines at the entry to Grange Road - right now at time of writing there are two cars on the north side of the road and three on the south (both sides are double yellow) - sometimes people are actually double-parked here, with other cars parked on the footpaths - on two occasions we have arrived home in the evening to find it impossible to drive our car into Grange Road because it is blocked by cars illegally parked.

Antisocial behaviour has increased - many of those who illegally park sit in their cars eating their food and then drop all their litter out of their windows - we hear loud altercations at night - swearing and shouting - I have witnessed a fist fight between two adult males at night.

Litter has increased - litter is now everywhere, and it is pretty much all from Burger & Sauce - last week I walked down Grange Road early in the morning to see that a rat had been run over by a car while it was eating a clearly branded Burger & Sauce wrapper, and a crow was in the process of eating the rat's brains - seriously...

Please do not grant this licence. In fact - instead of granting a licence to allow the owner to sell alcohol, play music til 2am, and stay open til 3am every day - please do Grange Road and Kings Heath a massive favour and shut them down.

Many thanks

Grange Road
Kings Heath
Birmingham
B14

From:

Sent: 20 January 2022 09:08

To: Licensing

Subject: Opposition to application for premises licence for Burger and Sauce, King's Heath B14 7LB

Dear Licensing Team

I wish to oppose the application from Burger and Sauce ,King's Heath B14 7LB to open to 3:00am everyday and to play recorded music to 2:00am.

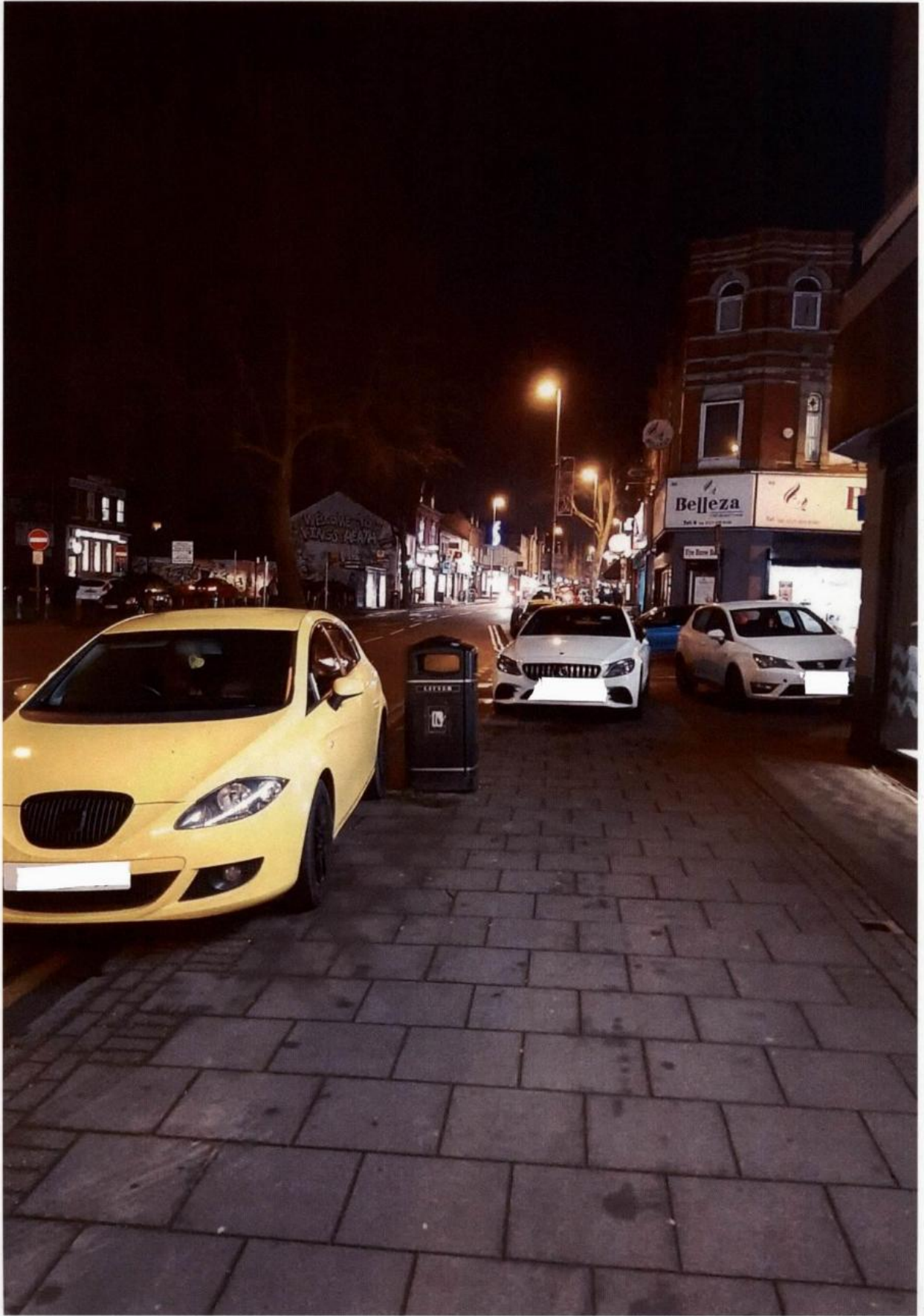
As you are aware Burger and Sauce is on the corner of a residential street, granting this application will have a detrimental effect on the quality of life for residents on Grange Road for reasons listed below .

- 1) Playing music up until 2 am 7 days a week will result in reduced sleep for residents who live close by (There are houses less than 50yds from the premises).
- 2) Several residents have young children who will have their sleep disturbed which will in turn affect concentration and ability to learn in school.
- 3) Increased footfall and cars driving down the road in the middle of the night will also affect the quality of sleep for residents.
- 4) Opening so late will also serve to make the corner of the road significantly more dangerous. Since the opening of the restaurant cars tend to park on the corner of the road (where there are yellow lines which makes it difficult for drivers turning onto Grange Road.) They are also parked on pavements making the pavements unsafe for pedestrians.

Furthermore this application has been made with no consideration for residents directly affected by the plans we have not been consulted and were only made aware as a resident saw the notice of application in the shop window.

I have attached a picture of some of the illegal parking .

Kind Regards



From:

Sent: 21 January 2022 22:23

To: Licensing

Subject: Licensing ref 123741

Dear licensing team

I am contacting you regarding a licensing application for burger and sauce kings heath to play recorded music until 02.00 Monday-Sunday and to extend its opening times until 03.00 Monday-Sunday.

I strongly disagree with this proposal for the following reasons:

1. The part of Grange Road in which burger and sauce is based is very much a residential street with houses at the back, opposite of the unit and above neighbouring shops. Playing music will cause disruption to sleep for both adults and, more importantly, children. Because of the walls of surrounding buildings, sounds are reflected and are loud - we have had this issue with extractor fans in the past.
2. Customers leaving at 3am are unlikely to be quiet. Again, this is likely to cause issues with people sleeping. I fail to see the need to open until 3am, particularly on a week night.
3. There have already been issues with anti social parking on double yellow lines and on pavements around the restaurant. This often results in horns being sounded late at night. People also sit with their cars running and engine sounds are audible. Opening later will make this an issue at a later time when we are trying to sleep.
4. There is not a precedent for this late opening for other local business on week days:
 - Hi Tide closes at 11:30pm
 - King Kebab closes at 1:30am
 - Pepe's Piri Piri closes at 2:00am
 - Dixy Chicken is closes at midnight.

Opening until 03:00 and playing music until 02:00 is extreme, and Burger and Sauce is closer than the above restaurants to residential homes.

For the reasons above I would like to reiterate that I am strongly opposed to this, as are many of my neighbours who I hope have also emailed you.

Around the restaunt is a highly populated residential area, and many families live here with children. We all have a right to sleep so we can go to work and attend school refreshed. Music until 2am and opening until 3am is unnecessary and will be highly disruptive.

Many thanks for taking the time to read my email. I would be happy to discuss this further if you wish.

Kind regards

From:

Sent: 22 January 2022 18:57

To: Licensing

Subject: Application for Burger & Sauce Kings Heath

Having seen the application by BSKH limited to stay open Monday to Sunday until the early hours of the morning, I feel seriously worried.

The levels of anti social behaviour around this end of the high street is becoming too common. Mixed with the amount of rubbish fast food outlets already present.

Lots of boy racers, people parking wherever they feel, there is a serious lack of quality already from businesses at this end of the high street.

It's not policed or managed as it is, with delivery drivers blocking / parking on pavements, all we need now is people parking on the road and causing chaos.

I feel allowing this will slowly start the decline of a seriously nice Neighbourhood that is slowly turning into the local race track for people coming to the little dessert shop and King kebab.

The proximity to residential properties make it also unfair for people with families.

Thank you

From:

Sent: 22 January 2022 22:51

To: Licensing

Subject: Burger and Sauce, High Street Kings Heath - Premises Licence

Dear Sirs,

I object to the application based on the following concerns:

- 1.The location is extremely close to quiet residential housing.
- 2.A business whose principle hours of business are late at night is not compatible with this location.
- 3.Where alcohol is involved, the possibility for inappropriate behaviour is increased.
4. There is already a problem with litter, inappropriate parking and anti-social behaviour in the area and I am concerned that this application may make matters worse.

Many thanks

Station Road
Kings Heath,
B14

From:

Sent: 23 January 2022 14:06

To: Licensing

Subject: Application for premises licence for BSKH Limited, 38-44 High Street, Birmingham B14 7LB

To whom it may concern,

I am making a representation regarding the application for Premises Licence by BSKH Ltd at Burger and Sauce, 38-44 High Street. As a local Kings Heath resident I ask that this application be rejected by the council, for three reasons:

- the location of the Burger and Sauce restaurant subject to the application is on the corner of a residential street (Grange Road) and the granting of extended opening hours until 3am, the right to play recorded music until 2am and serve food until 3am will cause evening and night-time disruption to residents. It is not appropriate for a venue so close to private residences to have such late opening hours.
- the current restaurant has, since opening, led to an increase in illegal and unsafe parking behaviour on Grange Road, including vehicles parking across the pavements. The granting of the application is likely to make this situation worse. The restaurant has so far failed to deal with this anti-social behaviour from its patrons.
- the current restaurant has also led to an increase in littering outside the premises. Later opening and later serving hours is likely to make this situation worse. Again, the restaurant has so far failed to deal with this.

Yours faithfully,

Westfield Road
Birmingham B14

24/1/22 12:52 BCCESAMA

Grange Road
Kings Heath
Birmingham
B14
21-01-22

General Licensing, Regulation & Enforcement

Re: Extended opening hours for 'Burger & Sauce' 34-44 High St, Kings Heath, Birmingham B14 7LB

Dear Sir,

I am writing to protest the application to allow the above business to increase its opening hours until 2am or 3am from Monday to Sunday.

Since 'Burger & Sauce' opened the High Street and Grange Road have suffered from:

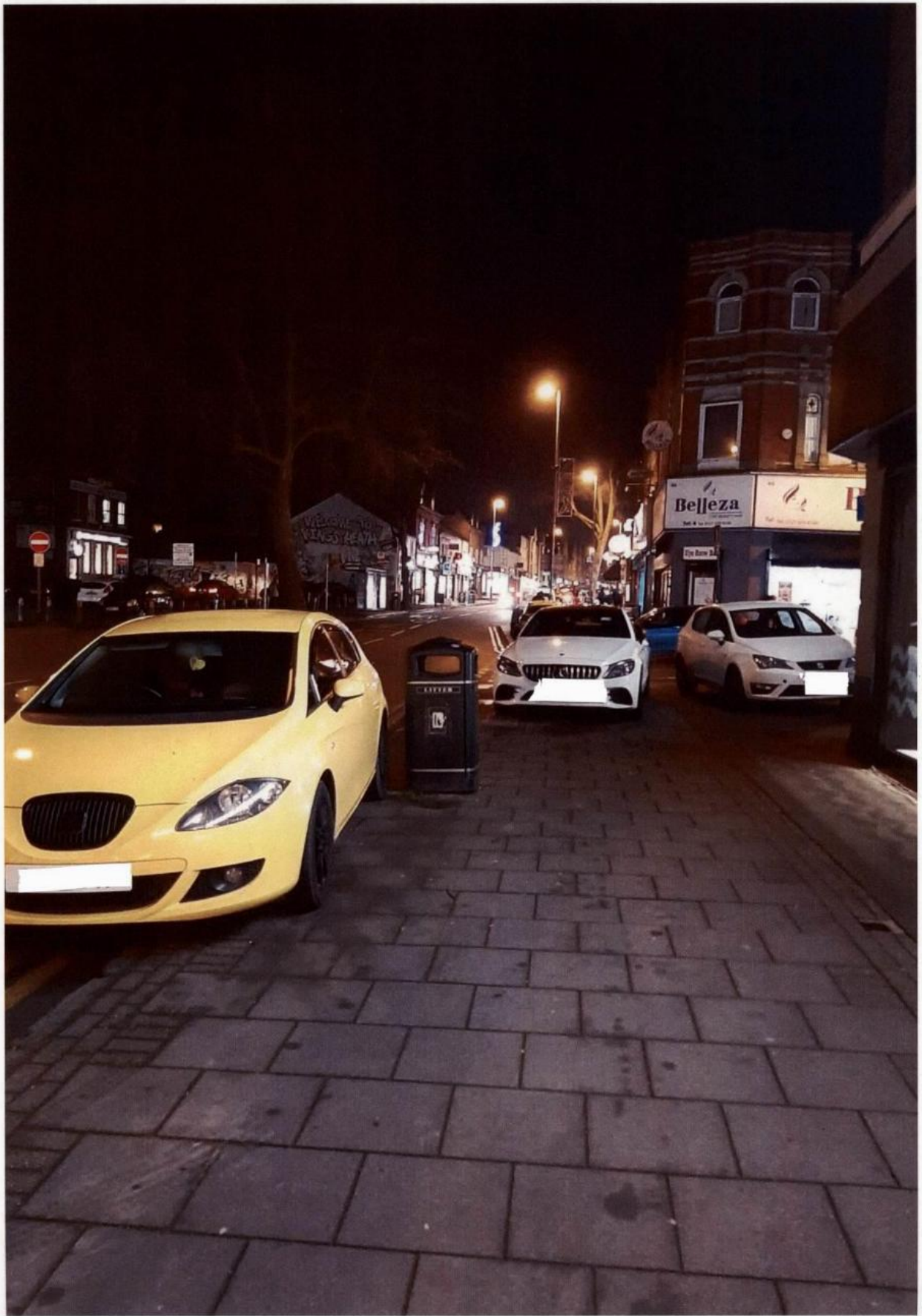
1. Illegal driving onto and parking on pavements (making it difficult for pushchairs or mobility scooters to get past), on double yellow lines and the zigzags by the pedestrian crossing.
2. Increased noise – large groups of people standing on the pavements & sitting on the concrete blocks which are part of the LTN.
3. Increased amount of litter – with the name 'Burger & Sauce' on it just dumped on the pavement – an invitation to vermin.

How will increasing the opening hours until 2am/3am deal with these problems?

Have some consideration for the people who live near this business.

Yours sincerely

P.S. See attached photo taken at 5.45pm
on Monday 17th Jan 2022. - it illustrates point 4
above



From:
Sent: 25 January 2022 14:05
To: Licensing
Subject: OBJECTION: BURGER AND SAUCE KINGS HEATH
Importance: High

Dear Sir / Madam

As the owner of Grange Road, I write to object to the proposed increase in opening hours and right to play recorded music till 2 am at Burger and Sauce in Kings Heath (B14 7LB). The venue has caused a great deal of disruption to the area already. Numerous complaints have been made about anti-social behaviour, including littering, loitering, noise pollution and obstructing the pavements. Although the area immediately outside the venue is supposed to be a double yellow line area, it is frequently blocked with cars, which park on the pavements and completely close the road at busy periods. Parking on Grange Road has become a constant problem for residents since the introduction of the LTN, and this venue has exacerbated the issue. The owners of these cars do not eat inside the venue but instead sit in their cars playing loud music and blocking the pavements; they then throw their burger wrappings onto the pavements.

Kings Heath high street currently plays host to a number of late-night fast food venues; however, due to the placement of this one on the corner of a residential street, which has a nursery on it, it has hugely increased traffic, parking problems, litter on a road that already suffered from these problems. As a new parent with a 4-month-old baby, we have frequently been unable to park the car anywhere near our house or get the pushchair past the cars which are parked on the pavements or, if they are parked on the road (still on double yellow lines), block the drop curbs we use to cross the road. When there is little to no police or traffic warden on the road, the increased late-night traffic is wholly unacceptable. Furthermore, why does a fast-food restaurant catering to a largely takeaway clientele need to play loud recorded music until 3 am? This proposal is not in keeping with the neighbourhood, nor does it align with the aims of the Low Traffic Neighborhood; all it will do is increase traffic and litter on an already crowded street.

Yours sincerely

Grange Road,
Kings Heath,
Birmingham,
B14

From:

Sent: 25 January 2022 14:27

To: Licensing

Subject: Burger and Sauce Kings Heath

Dear Sir / Madam,

As a resident of Grange Road, I write to object to the proposed increase in opening hours and right to play recorded music till 2 am at Burger and Sauce in Kings Heath (B14 7LB). The venue has caused a great deal of disruption to the area, mainly: cars parked on dropped curbs and double yellow lines, littering, anti social behaviour and traffic congestion.

Many of the customers to this venue do not eat inside the venue but instead sit in their cars playing loud music and blocking the pavements.

I am a new parent with a 4-month-old baby, we have frequently been unable to park the car anywhere near our house or get the pushchair past the cars which are parked on the pavements or, if they are parked on the road (still on double yellow lines), block the drop curbs we use to cross the road. When there is little to no police or traffic warden on the road, the increased late-night traffic is wholly unacceptable.

Yours sincerely

Grange Road,
Kings Heath,
Birmingham,
B14

From:

Sent: 25 January 2022 16:45

To: Licensing <licensing@birmingham.gov.uk>

Subject: Burger and Sauce Licence Application 123741

Application ref: 123741

Type of application: Premises

Sub type of application: New Application

Trading name: Burger and Sauce

Trading address: 38 - 44 High Street, Kings Heath, Birmingham, B14 7LB

Type of premises: RESTAURANT

Licence application received on: 29/12/2021 Last day for comments: 26/01/2022

Dear Sir/Madam

As a resident at Grange Road, Kings Heath, Birmingham B14 I am making a representation to object to extended opening hours at the premises above. I am especially concerned about recorded music late at night until 2am on 7 nights a week. I live very close to these premises. There are already an excessive number of food venues in Kings Heath and there is absolutely no need for this one to extend opening hours until 3am every night.

Details of my representation

- a) Prevention of crime and disorder - this is a residential area and the proposed extension of opening hours including the playing of recorded music will cause noise nuisance, attract customers late at night and create more litter. This is entirely unreasonable when these premises were previously occupied by Argos (useful to residents) which closed at a reasonable time in the early evening.
- b) Protection of public safety - as a widow living alone I have no desire for late night noise and disruption which make it difficult to sleep. My bedroom is at the front of the house and it is already difficult to sleep when noisy customers are leaving nearby premises. Alcohol only worsens loud arguments late at night.
- c) Prevention of public nuisance - late night opening will encourage extra customers to the area at a time when residents are sleeping. Grange Road is part of the Low Traffic Neighbourhood and attracting more traffic to the area late at night where parking is already difficult conflicts with the desire to make this a more peaceful and welcoming area for residents.
- d) Protection of children from harm - young children living opposite me are also entitled to a peaceful night's sleep and a litter-free environment.

Yours sincerely



Birmingham
Application for a premises licence
Licensing Act 2003

For help contact
licensingonline@birmingham.gov.uk
 Telephone: 0121 303 9896

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

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

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

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

☐ Applying as an individual

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

Applicant Business

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

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

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.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**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

BSKH Limited

Details

Registered number (where applicable)

13323377

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

Continued from previous page...

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

Section 5 of 21

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.

Friendly well established national fast food chain, for families and everyone to come enjoy

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☒ Yes

☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

Start 12:00

End 02:00

Start

End

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

TUESDAY

Start 12:00

End 02:00

Start

End

WEDNESDAY

Start 12:00

End 02:00

Start

End

THURSDAY

Start 12:00

End 02:00

Start

End

FRIDAY

Start 12:00

End 02:00

Start

End

SATURDAY

Start 12:00

End 02:00

Start

End

SUNDAY

Start 12:00

End 02:00

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☒ Indoors

☐ Outdoors

☐ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music

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

Continued from previous page...

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

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

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes

☒ No

Section 13 of 21

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

See guidance on regulated entertainment

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

☐ Yes

☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

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

Continued from previous page...

FRIDAY

Start 23:00

End 03:00

Start

End

SATURDAY

Start 23:00

End 03:00

Start

End

SUNDAY

Start 23:00

End 03:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☐ Indoors

☒ Outdoors

☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

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 late night refreshments at different times from those listed in the column on the left, list below

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

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☐ Yes

☒ No

Continued from previous page...

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

Regulated entertainment will take place indoors only.
All members of staff will be trained on COVID regulations and entry refused to those who fail to adhere to the regulations

b) The prevention of crime and disorder

The Premises Licence holder will ensure that the premises primary use will be as a restaurant.
The Premises Licence holder will ensure that CCTV is recording and covers all areas open to members of the public. This will be to the recommendation and specification of West Midlands Police.
The CCTV will operate whenever the premises are open to members of the public. It will hold recorded data for a minimum of 28 days, and be made available to West Midlands Police or any responsible authority on request.
This Incident Book will be made available to any responsible authority on request.
The Premises will operate a zero tolerance policy in relation to drugs.

c) Public safety

All members of staff will be trained on COVID regulations and entry refused to those who fail to adhere to the regulations

Continued from previous page...

d) The prevention of public nuisance

The Premises Licence holder will operate a zero tolerance approach towards drunken and anti social behaviour. Drunken persons shall not be admitted to the Premises.

The Premises Licence holder will ensure that prominent, clear and legible notices are displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

e) The protection of children from harm

The Premises Licence holder will ensure that no children under the age of 16 will be allowed on the premises after 23:00hrs unless accompanied by adult and for seated meals only.

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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.

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- 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.

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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.

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- 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.

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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 (£)

100.00

DECLARATION

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

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

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

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

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

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

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

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

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

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

