

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 4 January 2017
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	City Bargains, 235 – 237 Lozells Road, Lozells, Birmingham, B19 1RJ
Ward affected:	Lozells and East Handsworth
Contact Officer:	Chris Neville, Head of Licensing, 0121 303 6920, licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant 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 24hours (Monday to Sunday).

Premises to remain open to the public 24hours (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 8th November 2016 in respect of City Bargains, 235 – 237 Lozells Road, Lozells, Birmingham, B19 1RJ.

Representations have been received from Birmingham City Council Licensing Enforcement, as a responsible authority, 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>Miriam Harcarvoa applied on 8th November 2016 for the grant of a Premises Licence for City Bargains, 235 – 237 Lozells Road, Lozells, Birmingham, B19 1RJ.</p> <p>A representation has been received from Birmingham City Council Licensing Enforcement, as a responsible authority. See Appendix 1.</p> <p>A representation against the application has been received from other persons. See Appendix 2.</p> <p>The application is attached at Appendix 3.</p> <p>Site Location Plans at Appendix 4.</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 – 2 Application Form, Appendix 3 Site Location Plans, Appendix 4</p>
<p>7. Options available</p> <p>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.</p>

Appendix 1

Entered
RJ

From: Sarah Hemsall
Sent: 06 December 2016 17:38
To: Licensing
Subject: Representation against GRANT of licence for City Bargains, 235-237 Lozells Road, Birmingham B19 1RJ

Dear Licensing,

On 6th December I received information in respect of the applicant Ms Miriam Harcarova. The information indicates that Ms Harcarova is associated with a licensed premises known as European Food Express, 202 High Street, Dudley and International Supermarket, 117 Villa Road, Birmingham B19 1NH, both of which have been witnessed to engage in criminal activity, namely the sale of illicit tobacco products.

The Licensing Act 2003 is intended to prevent crime and disorder in relation to premises, as well as deter and prevent unscrupulous persons from operating illegally under the authorisation of a premises licence. Ms Harcarova's association with the above 2 premises calls into question her ability to prevent any future illegal activity occurring at City Bargains 235-237 Lozells Road.

Licensing Enforcement wish to lodge a formal objection to this application due to evidence which suggests that there is a link between the applicant and those persons involved in illegal activity at the above mentioned premises. We believe in the interest of preventing further breaches of licensing objectives, the prevention of crime and disorder and public safety the application should be rejected.

Yours sincerely

Sarah Hemsall
Licensing Enforcement Officer

Birmingham City Council Licensing Enforcement

Address: Birmingham City Council, Licensing Section, P.O. Box 17013, Birmingham, B6 9ES
Website: www.birmingham.gov.uk/licensing Twitter: @BCC Licensing

"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

Appendix 2

From: Heath Thomas
Sent: 05 December 2016 12:24
To: Licensing
Subject: Representation against grant of premises licence to Miriam Harcarova in respect of City Bargains, 235-237 Lozells Road, Birmingham B19 1RJ

Dear Sirs

I am instructed on behalf of Mr Mahir Akgul of 233 Lozells Road, Birmingham B19 1RJ to object to the grant of a premises licence by Ms Miriam Harcarova on the grounds of crime and disorder.

Ms Harcarova is associated with licensed premises known as European Food Express, 202 High Street, Dudley and International Supermarket, 117 Villa Road, Birmingham B19 1NH, both of which have been witnessed to engage in criminal activity, namely the sale of smuggled tobacco. This type of activity should be treated particularly seriously. Ms Harcarova's association is such that there is a real risk that these activities will take place at City Bargains, 235-237 Lozells Road, and that she will permit the use of these premises to further crimes. The crime prevention objective is being undermined by this applicant and as such she should be refused a premises licence.

Evidence in support of the above will be produced before the Licensing sub-committee in due course.

Yours faithfully

Heath Thomas


Partner
Licensing & Regulatory
For and on behalf of Harrison Clark Rickerbys Limited

Harrison Clark Rickerbys Limited, 5 Deansway, Worcester
Worcestershire, WR1 2JG, United Kingdom



With you every step of the way

Appendix 3

	Birmingham Application for a premises licence Licensing Act 2003	For help contact licensingonline@birmingham.gov.uk Telephone: 0121 303 9896
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* required information

Section 1 of 19

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

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

Miriam

* Family name

Harcarova

* E-mail

Main telephone number

Include country code.

Other telephone number

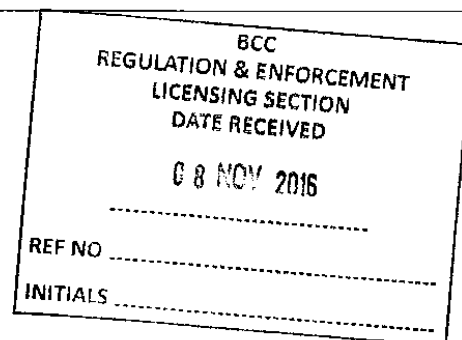
☐ Indicate here if the applicant would prefer not to be contacted by telephone

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.



Continued from previous page...

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"/>

Agent Details

* First name	<input type="text" value="PATRICK"/>	
* Family name	<input type="text" value="BURKE"/>	
* E-mail	<input type="text"/>	
Main telephone number	<input type="text"/>	Include country code.
Other telephone number	<input type="text"/>	

☐ 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 private individual acting as an agent

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

Agent Business

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

* Business name	<input type="text" value="PMB LICENSING"/>	If your business is registered, use its registered name.
* VAT number	<input type="text" value="-"/> <input type="text" value="NONE"/>	Put "none" if you are not registered for VAT.
* Legal status	<input type="text" value="Sole Trader"/>	
* Your position in the business	<input type="text" value="PROPIETOR"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

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

* Building number or name	DOG AND PARTRIDGE
* Street	136 HIGH STREET
District	BRIERLEY HILL
* City or town	DUDLEY
County or administrative area	WEST MIDLANDS
* Postcode	DY5 3BP
* Country	United Kingdom

Section 2 of 19

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	City Bargains
Street	235 - 237 Lozells Road
District	
City or town	Birmingham
County or administrative area	
Postcode	B19 1RJ
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	4,150

Section 3 of 19**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company
- ☐ A partnership
- ☐ An unincorporated association
- ☐ 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
- ☐ Other (for example a statutory corporation)

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 19**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Miriam

Family name

Harcarova

Is the applicant 18 years of age or older?

☒ Yes

☐ No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Add another applicant

Section 5 of 19

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.

IT IS A BRICK BUILT GENERAL STORE THAT WISHES TO BE LICENSED FOR 24 HOURS.

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 19

PROVISION OF PLAYS

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

☐ Yes

☒ No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

☐ Yes

☒ No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

☐ Yes

☒ No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

☐ Yes

☒ No

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

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

☐ Yes

☒ No

Continued from previous page...

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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

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

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.

NONE

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.

NONE

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

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 19

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

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

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.

NONE

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.

NONE

Section 18 of 19

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.

ALL STAFF WILL BE TRAINED WITH REDARDS TO THE LICENCING ACT 2003, THE SERVICE OF ALCOHOL AND TOBACCO. A RECORD WILL BE KEPT OF ALL ATENTIVE PURCHASES BY UNDER 18'S. WE WILL LIASE WITH THE LOCAL POLICE LICENSING OFFICER ON A REGULAR BASIS. ALL STAFF TRAINING RECORDS RELATING THE LICENSING ACT 2003 TO BE DOCUMENTED AND SIGNED BY BOTH THE TRAINER AND TRAINEE. RECORDS TO BE MADE IMMEDIATELY AVAILABLE TO ANY OF THE RESPONSIBLE AUTHORITIES ON REQUEST.

b) The prevention of crime and disorder

PROMINENT SIGNS ARE DISPALYED WITH REGARDS TO ALCOHOL AND TOBACCO SALES.
CCTV CAMERAS ARE INSTALLED AT THE PREMISES WITH THE SPECIFICATIONS AND RECOMMENDATIONS OF THE WEST MIDILANDS POLICE. CCTV RECORDINGS AND IMAGES TO BE DOWNLOADABLE KEPT FOR A MINIMUM OF 28 DAYS AND MADE IMMEDIATELY AVAILABLE TO ANY OF THE RESPONSIBLE AUTHORITIES.
A REFUSAL BOOK IS KEPT AT THE PREMISES AND TO BE MADE IMMEDIATELY AVAILABLE TO ANY OF THE RESPONSIBLE AUTHORITIES ON REQUEST AND SIGNED OFF WEEKLY BY THE DPS.
Records of staff training shall be made available on site for inspection at any time.
The premises shall have a panic button facilities on the premises.
Internal and External CCTV shall be maintained on the premises, recordings of which will be kept for 31 days.
CCTV will be recording and cover all areas open to members of the public, including the interior, front exterior of the premises and the entrance of the premises. This will be to the recommendation and specification of West Midlands Police.

Continued from previous page...

The CCTV will operate whenever the premises is 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
A member of staff in possession of a personal licence will be on the premises after 23:00hrs until 06:00hrs every day. In addition, all staff members will be able to operate and download CCTV at all times
An incident book will be maintained to record any incidents that occur inside the premises or directly outside of the premises. This incident book will be made available for inspection by any of the responsible authorities
SIA registered door supervision wearing high visibility clothing to be at the premises from 23:00hrs until 06:00 hrs on Fridays, Saturdays and on Sundays before a Bank Holiday

c) Public safety

ALL EMERGENCY LIGHTING WILL BE CHECKED WEEKLY.
ENTRANCES, EXITS AND PASSAGEWAYS ARE TO BE KEPT CLEAR
No enforceable conditions identified from operating schedule.

d) The prevention of public nuisance

PROMINENT SIGNS WILL BE DISPLAYED REQUESTING CUSTOMERS TO HAVE REGARD FOR LOCAL RESIDENTS WHEN LEAVING THE PREMISES. ADEQUATE BINS ARE AVAILABLE FOR CUSTOMERS TO DISPOSE OF LITTER
NO ALCOHOL ALLOWED ON THE PREMISES IN OPEN CONTAINERS.
NO ALCOHOL TO BE CONSUMED ON THE PREMISES.
No enforceable conditions identified from operating schedule.

e) The protection of children from harm

WILL OPERATE A CHALLENGE 25 POLICY AND CCTV SIGNAGE ON THE ENTRANCE DOOR AND POINT OF SALE.
A refusals book will be fully maintained and available for inspection at any time.
The premises shall operate a proof of age scheme via acceptable forms of identification and incorporating the challenge 21 system.
The Premises Licence Holder shall ensure that any alcohol on display is not obstructed from view of the sales assistants

Section 19 of 19

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 http://www.voa.gov.uk/business_rates/index.htm

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

Continued from previous page...

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

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ 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

PMB LICENSING

* Capacity

AGENT

* Date

08 / 11 / 2016
dd mm yyyy

Add another signatory

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 ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Consent of individual to being specified as premises supervisor

Miriam Harcarova

[full name of prospective premises supervisor]

of

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

New Premises License

[type of application]

by

Miriam Harcarova

[name of applicant]

relating to a premises licence **tba**

[number of existing licence, if any]

for

**City Bargains
235-237 Lozells Road
Birmingham
B19 1RJ**

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Miriam Harcarova

[name of applicant]

concerning the supply of alcohol at

City Bargains

235-237 Lozells Road

Birmingham

B19 1RJ

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

tba

[insert personal licence number, if any]

Personal licence issuing authority

Birmingham City Council

[insert name and address and telephone number of personal licence issuing authority, if any]

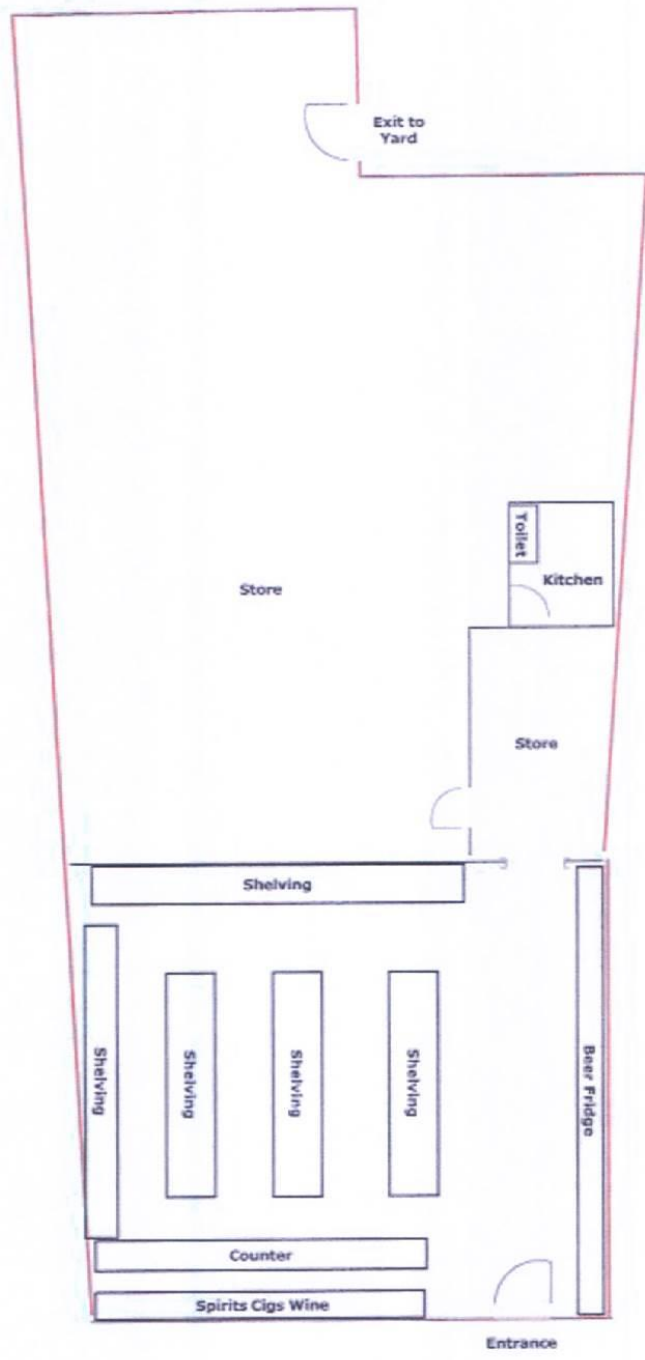
Signed

Name (please print)

Miriam Harcarova

Date

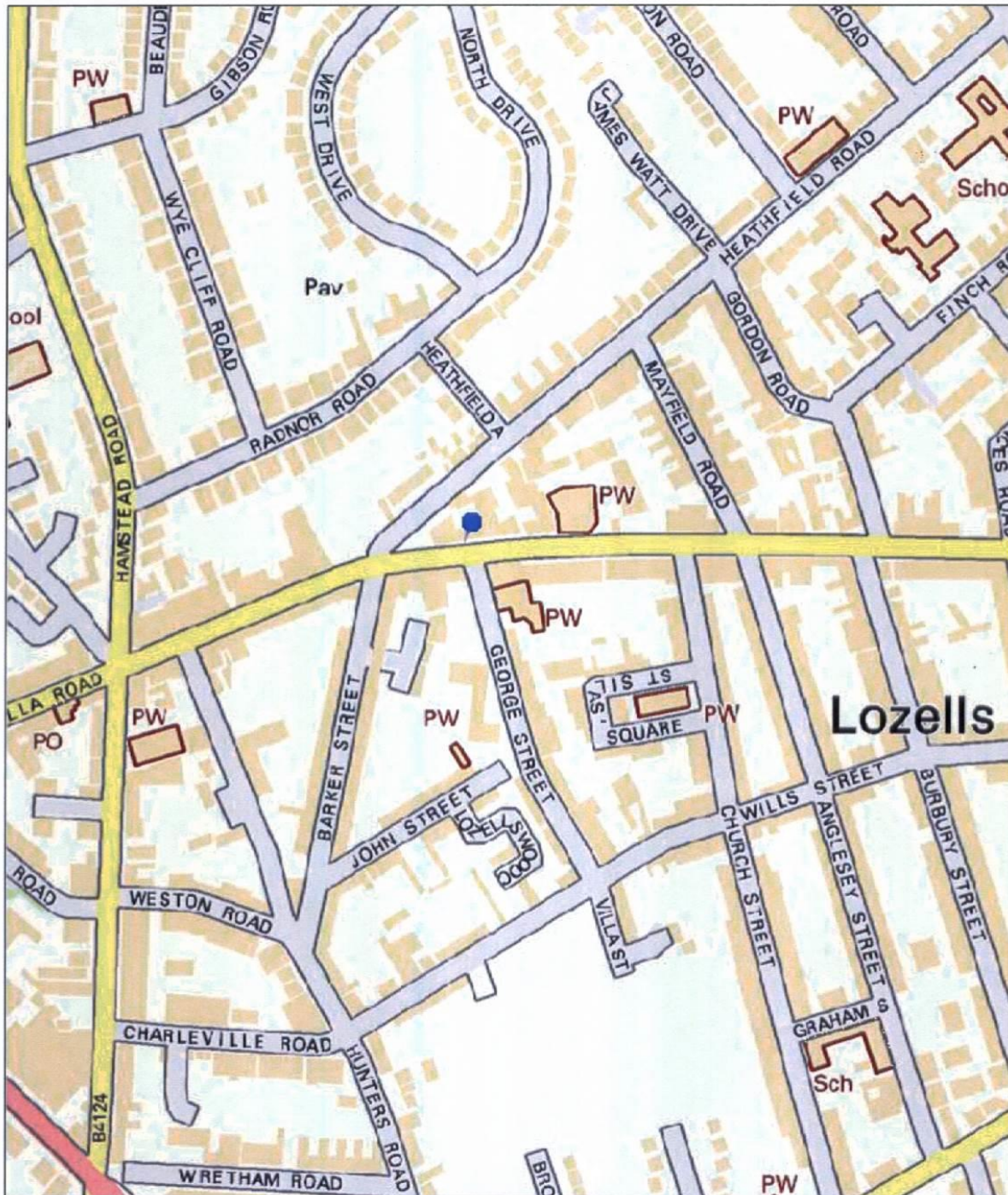
3-11-16



- Licensable Activity
- CCTV
 - FIRE EXTINGUISHER

Licensing Plan
 City Bargains
 235 -237 Lozells Rd
 Birmingham
 B19 1RJ
 LICENSING
 Scale 1:100

Appendix 4



Map Created By:

Notes

Date of Map Creation: 12/10/2016



Scale:
1:4,000

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Map Created By:

Notes

Date of Map Creation: 12/10/2016



Scale:
1:1,250

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