

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 26th January 2022
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	Rubery Filling Station, 18 Cock Hill Lane, Rubery, Birmingham, B45 9RQ
Ward affected:	Rubery and Rednal
Contact Officer:	Shaid Yasser, Senior Licensing Officer, 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have 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 only), to operate 24hours (Monday to Sunday).

To permit the provision of Late Night Refreshment to operate from 11:00pm until 05:00am (Monday to Sunday).

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

The application also seeks to remove those conditions listed in Annex 2 of the current premises licence and replaced with those conditions proffered in the variation application.

2. Recommendation:

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

3. Brief Summary of Report:

Variation application received on 5th December 2021 in respect of Rubery Filling Station, 18 Cock Hill Lane, Rubery, Birmingham, B45 9RQ.

Representations have been received from Other Persons.

4. Compliance Issues:

4.1 Consistency with relevant Council Policies, Plans or Strategies:

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

5. Relevant background/chronology of key events:

Motor Fuel Limited applied on 5th December 2021 to vary the Premises Licence for Rubery Filling Station, 18 Cock Hill Lane, Rubery, Birmingham, B45 9RQ.

Representations have been received from Other Persons. See Appendices 1 – 3.

The application is attached at Appendix 4.

Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 5.

The current Premises Licence is attached at Appendix 6.

Site Location Plans at Appendix 7.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-

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

6. List of background documents:

Copy of the representations as detailed in Appendices 1 – 3.

Application Form, Appendix 4.

Conditions agreed with West Midlands Police, Appendix 5.

Current Premises Licence, Appendix 6.

Site Location Plans, Appendix 7.

7. Options available

To grant the variation application

To refuse the whole or part of the application

To modify the conditions of the Licence

From: Councillor Adrian Delaney
Sent: 23 December 2021 18:44
To: Licensing
Cc: Bhapinder Nandhra
Subject: Application 123496 Rubery Filling Station, 18 Cock Hill Lane, Rubery, B45 9RQ

Application ref 123496

Rubery Filling Station, 18 Cock Hill Lane, Rubery, B45 9RQ

Hi,

This petrol station is bordered on three sides by residential properties. Any increase in opening hours will severely impact on the neighbours quality of life. This will result in more disturbance with car engines running, people talking or shouting and car doors banging. This application should be rejected.

We suffer from anti-social behaviour and criminal activity in Cock Hill, Rubery and this application if approved will only add to the problems in this area.

Kind regards,

Councillor Adrian Delaney

From:

Sent: 24 December 2021 13:42

To: Licensing

Subject: Application 123496 18 Cockhill lane B45 9RQ Rubery filling station

Good afternoon

I wish to lodge my objection to application 123496 for the following reasons :-

- (1) A 24 hour licence will attract undesirables to the area and encourage them to gather under the flyover drinking their alcohol.
- (2) I believe that it could lead to an increase in petty crime in the area and more work for an already understaffed Police force.
- (3) The additional business during the night will affect the quality of sleep of local residents especially during summer months when their bedroom windows will be open.

Cockhill Lane

From:

Sent: 28 December 2021 13:41

To: Licensing

Subject: Ref number 123496 Rubbery filling station 18 cock Hill Lane B459RQ

My name is . I live at cock hill lane . house to the garage . I totally object to hours being extended at garage . it doesn't need more hours . it is open long enough 365 days a year . this garage is only on a side road . not a main road . even Morrison's super market / petrol station is not open late and they are on the main A38 bristol road south . this garage next door is not a service station . so should not need extra hours . the only people that know about this garage is people that live local . We know we live next a petrol station . and put up what ever comes from there . but this last two years he put a container at back of the garage . to store products . but it has a freezer unit attached to it so we have to listen to buzzing on and of all night

And now he has put grey bins in which get filled up every night between 2 o'clock and 5 o'clock which wakes us up with the banging . I have complained to garage but not botherd . so I am touch with the environment agency and a friend who is a soliciter . who is going to look in to it for us . if this garage owner can't make decent living from having petrol sales / convenient store/ liquor sales / Costa coffee/ propane gas sales / Amazon lockers / car wash / plus new grey bins . He needs to find a different business . you just wondering what next he will want start doing . we had a petition against the the liquor license being given

Which every body objected to In area but still granted . so we have got beer cans every were and smashed bottles all over place which have to watch your tyres on cars . the other thing we worry about is how many break INS we have had . one staff got stabbed through the eye in a robbery in day time it has been broken into at night . we had drug dealing in the early days all this should be on Police records . we have seen a lot of different things with this garage over the 30 Years we have lived here . So I Totally OBJECT TO ThIs New proposal Try Thinking Of The People That Live By It And NOT The Greedy Owner Of The GARAGE .
thanks



Birmingham
Application to vary a premises licence
Licensing Act 2003

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

* required information

Section 1 of 18

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 the applicant would prefer not to be contacted by telephone

Is the applicant:

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

☐ Applying as an individual

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

Applicant Business

Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

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

Registration number

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

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

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

☐ A private individual acting as an agent

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business	<input type="text" value="Licensing Assistant"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
Agent Registered Address		Address registered with Companies House.
Building number or name	<input type="text" value="Minerva House"/>	
Street	<input type="text" value="5 Montague Close"/>	
District	<input type="text"/>	
City or town	<input type="text" value="London"/>	
County or administrative area	<input type="text"/>	
Postcode	<input type="text" value="SE1 9BB"/>	
Country	<input type="text" value="United Kingdom"/>	

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APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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	<input type="text" value="Rubery Service Station"/>
Street	<input type="text" value="Cock Hill Lane"/>
District	<input type="text" value="Rubery"/>
City or town	<input type="text" value="Rednal"/>
County or administrative area	<input type="text" value="Birmingham"/>
Postcode	<input type="text" value="B45 9RQ"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

9,800

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VARIATION

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

☒ Yes

☐ No

Do you want the proposed variation to have effect in relation to the
introduction of the late night levy?

☐ Yes

☐ No

You do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

Describe 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.

The premises is a petrol forecourt store located on Cock Hill Lane, Rubery, Rednal, Birmingham, B45 9RQ.

The variation is to do the following:

1. To extend the sale of alcohol to between the hours of 0000 and 2400 daily for consumption off the premises.
2. The provision of late night refreshment between the hours of 2300 and 0500 daily.
3. To remove the conditions listed under Annex 2.
4. To include in Annex 2 the conditions in boxes b to e of Section 16 of the application.

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to
vary is successful?

☐ Yes

☒ No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to
vary is successful?

Continued from previous page...	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Section 6 of 18		
PROVISION OF INDOOR SPORTING EVENTS		
See guidance on regulated entertainment Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No		
Section 7 of 18		
PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS		
See guidance on regulated entertainment Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No		
Section 8 of 18		
PROVISION OF LIVE MUSIC		
See guidance on regulated entertainment Will the schedule to provide live music be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No		
Section 9 of 18		
PROVISION OF RECORDED MUSIC		
See guidance on regulated entertainment Will the schedule to provide recorded music be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No		
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PROVISION OF PERFORMANCES OF DANCE		
See guidance on regulated entertainment Will the schedule to provide performances of dance be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No		
Section 11 of 18		
PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE		
See guidance on regulated entertainment Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful? <input type="radio"/> Yes <input checked="" type="radio"/> No		

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start 23:00

End 05:00

Provide 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 23:00

End 05:00

Start

End

WEDNESDAY

Start 23:00

End 05:00

Start

End

THURSDAY

Start 23:00

End 05:00

Start

End

FRIDAY

Start 23:00

End 05:00

Start

End

SATURDAY

Start 23:00

End 05:00

Start

End

SUNDAY

Start 23:00

End 05:00

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 select 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.

Continued from previous page...

The provision will take place inside the premises but customers may leave the premises with items purchased.

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 provision of late night refreshment at different times from those listed above, list below.

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

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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

Continued from previous page...

FRIDAY

Start 00:00

End 24:00

Start

End

SATURDAY

Start 00:00

End 24:00

Start

End

SUNDAY

Start 00:00

End 24:00

Start

End

Will the sale of alcohol be for consumption?

- ☐ On the premises ☒ Off the premises ☐ Both

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

State any seasonal variations.

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

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

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

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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.

Provide 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.

The premises sells alcohol and other age restricted products.

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HOURS PREMISES ARE OPEN TO THE PUBLIC**Standard Days And Timings**

MONDAY

Start End

Provide 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

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 above, list below.

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

Continued from previous page...

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

Conditions listed under Annex 2.

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

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

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

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

--

b) The prevention of crime and disorder

1. A digital CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose.
2. The CCTV system shall be capable of producing immediate copies on site. Copies of recordings will either be recorded digitally on to CD/DVD or other equivalent medium.
3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
4. The precise positions of the camera may be agreed, subject to compliance with Data Protection legislation, with the police from time to time.
5. The system will display, on any recording, the correct time and date of the recording.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
7. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:
- details of the time and date the refusal was made;

Continued from previous page...

- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

This book/register shall be available for inspection by a police officer or other authorised officer on request.

8. An incident book/register shall be maintained to record:

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises

This book/register shall be available for inspection by a police officer or other authorised officer on request.

9. There shall be no self-service of spirits except for spirit mixtures.

10. There will be no sales/supplies of beer, lager or cider with an ABV over 6%.

c) Public safety

There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

e) The protection of children from harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form or method of identification that complies with any mandatory condition that may apply to this licence.

2. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

3. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive training in age restricted sales.

- Induction training must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

4. All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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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 (£)

190.00

DECLARATION

Continued from previous page...

I/WE UNDERSTAND THAT 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.

☒ 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

Winckworth Sherwood LLP

* Capacity

Agent

* Date

30 / 11 / 2021
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/change-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, 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.

From: Robert Botkai
Sent: 03 December 2021 14:59
To: Licensing
Cc: Andrew Sanders ; Tina Vlahovic ; mark.swallow
Subject: Rubery Service Station. Cock Hill Lane, Rubery. Birmingham. B45 9RQ.

Dear Licensing

I confirm for the applicant that the conditions below are agreed

1. The entrance door to the shop will be closed to customers between the hours of 2300 and 0600 .Any sales between these hours will be made through the night pay window.
2. The licence holder shall risk assess the staff levels for the period 2300 and 0700.
3. The licence holder shall ensure that the premises is fitted with a remote door lock for use at the discretion of the cashiers.
4. If for any reason the CCTV hard drive needs to be replaced the previous drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request.
5. The CCTV system will be checked each day to ensure that it is working and an entry will be made in the incident log detailing the time of the check, the identity of the person doing the check and the result of

Kind regards

Robert

From: Mark Swallow
Sent: 03 December 2021 14:49
To: Robert Botkai
Cc: 'Licensing'
Subject: RE: [External]: Rubery Service Station. Cock Hill Lane, Rubery. Birmingham. B45 9RQ.

This message originated outside Winckworth Sherwood

Good Afternoon Licensing,

With regard to the premises license application for Rubery Service Station, Cock Hill Lane, Rubery. B45 9RQ. West Midlands Police have reviewed this application and are happy that if the below conditions are added to the licence, together with the operating conditions already offered by the applicant then the licensing objectives will be met and promoted. The conditions have been agreed with the applicant as per below email chain who is also is copied to this email.

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

Regards and thanks,
MARK SWALLOW
WEST MIDLANDS POLICE
BIRMINGHAM CENTRAL LICENSING TEAM.

From: Robert Botkai
Sent: 03 December 2021 14:24
To: Mark Swallow
Cc: Tina Vlahovic; Andrew Sanders
Subject: [External]: Rubery Service Station. Cock Hill Lane, Rubery. Birmingham. B45 9RQ.

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

Hi Mark

It was good to speak this morning.

Below are additional conditions as discussed.

1. The entrance door to the shop will be closed to customers between the hours of 2300 and 0600 .Any sales between these hours will be made through the night pay window.
2. The licence holder shall risk assess the staff levels for the period 2300 and 0700.
3. The licence holder shall ensure that the premises is fitted with a remote door lock for use at the discretion of the cashiers.
4. If for any reason the CCTV hard drive needs to be replaced the previous drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request.
5. The CCTV system will be checked each day to ensure that it is working and an entry will be made in the incident log detailing the time of the check, the identity of the person doing the check and the result of it.

Please confirm you will agree the application on this basis. I will then send the conditions to the licensing officer and will copy you in.

Thanks

Robert

LICENSING ACT 2003**PREMISES LICENCE****Premises Licence Number:****2894 / 3****Part 1 - Premises details:****Postal address of premises, or if none, ordnance survey map reference or description**

Rubery Filling Station
 18 Cock Hill Lane
 Rubery

Post town:

Birmingham

Post Code:

B45 9RQ

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 07:00 - 23:00 M2

The opening hours of the premises

Monday - Sunday 07:00 - 23:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off Supplies Only

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Motor Fuel Limited Gladstone Place 36 - 38 Marlborough Road	
Post town: St Albans	Post Code: AL1 3UU
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 05206547
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Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Sarveswaran Nadesapillai	
Post town:	Post Code:
Telephone Number: N/A	

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 CV207000275	Issuing Authority COVENTRY CITY COUNCIL

Dated 0/01/2019

SHAID YASSER
Senior Licensing Officer
For Director of Regulation and Enforcement

Annex 1 – Mandatory Conditions

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

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

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) “permitted price” is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny. (4) Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No 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.

The premises is to benefit from a full alarm system, C.C.T.V. system with recording facilities and fully trained staff with recorded ongoing training regime.

A refusals book is to be kept on the premises.

In store signage is to be displayed promoting the four licensing objectives.

The spirits display is to be located behind the counter.

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

Access to be controlled into the premises at staffs discretion by means of electronic shunt locks fitted to the shop door.

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

Staff to be trained in fire safety and evacuation procedures.

Fire safety equipment located on site with staff trained in its use.

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

Staff are to be trained to deal appropriately with situations that may cause public nuisance.

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

Staff are to be fully trained in alcohol sales with ongoing refresher training.

The "Challenge 21" and PASS accredited proof-of-age scheme are to be in operation at the premises.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Conditions as stated below under the appropriate licensing objective.

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

Conditions attached after Appeal to Birmingham Magistrates Court

Upgrade existing C.C.T.V. to provide images of persons inside and on the forecourt of the premises. To operate continuous recordings throughout the operating hours of the premises for licensable activities. Images to be made available to the Police upon request, camera locations and numbers to be agreed with the CRO.

Not to stock types of low ABV alcoholic beverage favoured by young people (eg Lambrini Perry) or high ABV white ciders and other products that may become apparent to the Licensing Officer.

Not to engage in localised heavy discounting of alcohol products unless they are in accordance with national promotions approved by Costcutter or the replacement supplying wholesaler and not to advertise any such promotions on the forecourt.

The DPS to join an off licence watch meeting as and when this is set up locally.

DPS to attend the business watch meetings at the Great Park and will attend such meetings as appropriate.

To support a "bottle watch" scheme as and when set up in the local area.

To review staffing threat assessment levels based upon demand and crime and disorder and liaise with the Licensing Officer upon their request.

To install "panic buttons" and "shunt lock" door operating systems.

The DPS and all staff employed within the premises to undergo the "Lockett & Co." premises licence training prior to being allowed to sell alcohol within the shop and for all staff to undergo yearly refresher training.

Details of all training to be recorded and such records to be made available for inspection by the Licensing Officer.

To operate the "Challenge 21" proof of age scheme.

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

N/A

Annex 4 – Plans

The plan of the premises with reference number **109384-2894/3** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please call the Licensing Section on 0121 303 9896 to book an appointment.

