

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 13 JULY 2022 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

A G E N D A

1 NOTICE OF RECORDING/WEBCAST

The Chair to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's meeting You Tube site (www.youtube.com/channel/UCT2kT7ZRPFCXq6_5dnVnYlw) and that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 DECLARATIONS OF INTERESTS

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3 - 36

4 LICENSING ACT 2003 PREMISES LICENCE – VARIATION TESCO, 2044 BRISTOL ROAD SOUTH, RUBERY, BIRMINGHAM, B45 9JL

Report of The Interim Assistant Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 10:00am.

5 OTHER URGENT BUSINESS

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chair are matters of urgency.

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 13th July 2022
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	Tesco, 2044 Bristol Road South, Rubery, Birmingham, B45 9JL
Ward affected:	Rubery and Rednal
Contact Officer:	Bhapinder Nandhra, 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 the seasonal variation throughout December, as this will no longer be relevant, and the conditions in Annex 2 of the current premises licence be 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 20th May 2022 in respect of Tesco, 2044 Bristol Road South, Rubery, Birmingham, B45 9JL.

Representations have been received from Other Persons.

4. Compliance Issues:**4.1 Consistency with relevant Council Policies, Plans or Strategies:**

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

5. Relevant background/chronology of key events:

Tesco Stores Limited applied on 20th May 2022 to vary the Premises Licence for Tesco, 2044 Bristol Road South, Rubery, Birmingham, B45 9JL.

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: Gary.Sambrook.mp
Sent: 10 June 2022 13:39
To: Licensing
Subject: (Case Ref: GS21105)

Application Ref: 125313

Tesco Supermarket, 2044 Bristol Road South, Rubery, Birmingham, B45 9JL

Hi,

I would like to object to this application which will significantly increase the number of hours that the supermarket can sell alcohol.

There are residential properties in Malcolm Grove, Bristol Road South and Beverley Road that border this supermarket.

If this application is approved it will significantly impact on neighbouring residents quality of life. With the noise of cars and people coming and going through the night significantly disturbing local residents.

We also have an issue with anti social behaviour in this area. I am very concerned if this application is approved that it will lead to an increase in anti social behaviour in the Rubery and Rednal area.

For these reasons I urge you to reject this application.

I look forward to your reply,

Kind regards,
Gary Sambrook MP
Member of Parliament for Birmingham Northfield

From: Councillor Adrian Delaney
Sent: 10 June 2022 13:52
To: Licensing
Subject: Tesco Supermarket Application Ref 125313 2044 Bristol Road South

Rubery and Rednal Ward

Application Ref 125313

Tesco Supermarket 2044 Bristol Road South, Rubery, Birmingham, B45 9JL

Hi,

I would like to object to this application that will allow this Tesco Supermarket to significantly increase their opening hours and ability to sell alcohol.

The lives of residents who live in Malcolm Grove, Beverley Road, Bristol road south and the wider area will be adversely affected if this variation of licence is granted. The quality of life of neighbouring residents will be significantly impacted by the increased noise, people visiting the area, car doors banging and the anti-social behaviour that will inevitably accompany any increase in trading hours.

I strongly urge you to refuse this application for the variation of the licence.

Kind regards,

Councillor Adrian Delaney
Rubery and Rednal Ward

From:
Sent: 12 June 2022 12:00
To: Licensing
Subject: TESCO APPLICATION NO. 125313

I WSH TO OPPOSE THE APPLICATION ON THE GROUNDS OF NOISE AT NIGHT FOR ONE. THE NOISE LATE AT NIGHT IS ALREADY DISRUPTIVE AND TO SUGGEST WE PUT UP WITH THIS ALL NIGHT, EVERY NIGHT IS OUTRAGEOUS. THERE IS NO REASON FOR TESCO TO STAY OPEN 24 HOURS AT ALL. DRUNKS OBTAINING ALCOHOL ALL THROUGH THE NIGHT IS UNACCEPTABLE ESPECIALLY AS WE HAVE A PUBLIC RIGHT OF WAY LEADING INTO OUR GROVE.

MALCOLM GROVE(right behind Tesco).REDNAL BIRMINGHAM B45

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Tesco Stores Limited

(Insert name(s) of applicant)

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

Premises licence number 3112/2
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Tesco Superstore, 2042-2056 Bristol Road South, Rubery, Rednal, Birmingham, B45 9JL			
Post town	Birmingham	Postcode	B45 9JL

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£129,000.00 -

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	Tesco House Shire Park Kestrel Way		
Post town	Welwyn Garden City	Postcode	AL7 1GA

Part 3 - Variation

Please tick as appropriate

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

☐
No

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

DD		MM		YYYY			

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

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The purpose of this variation is to bring the premises licence in line with new store opening hours following the conversion from Jacks to Tesco Superstore. The variation proposes to:

- Amend the hours of the existing licensable activity (the sale by retail of alcohol) so that the store can sell alcohol (for consumption off the premises):
Monday-Sunday – 00:00-23:59

And

- Add the new licensable activity: The provision of late-night refreshment (indoors):
Monday-Sunday – 23:00-05:00

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

N/a

Part 4 Operating Schedule

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

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

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

Late-night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late-night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	05:00	Please give further details here (please read guidance note 5)		
Tue	23:00	05:00			
Wed	23:00	05:00	State any seasonal variations for the provision of late-night refreshment (please read guidance note 6)		
Thur	23:00	05:00			
Fri	23:00	05:00	Nonstandard timings. Where you intend to use the premises for the provision of late-night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat	23:00	05:00			
Sun	23:00	05:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon	00:00	23:59						
Tue	00:00	23:59						
Wed	00:00	23:59						
Thur	00:00	23:59				Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	00:00	23:59						
Sat	00:00	23:59						
Sun	00:00	23:59						

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>N/a</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	00:00	23:59	
Tue	00:00	23:59	
Wed	00:00	23:59	
Thur	00:00	23:59	
Fri	00:00	23:59	Nonstandard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)
Sat	00:00	23:59	
Sun	00:00	23:59	

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

- Embedded seasonal variation throughout the month of December can be removed – If the variation to the hours for the sale of alcohol is successful it will no longer be relevant.
- The conditions in Annex 2 of the premises licence can be updated to reflect the current operating schedule enclosed in this application. Specifically, “Think 21” can be updated to “Think 25”

Please tick as appropriate

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

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

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

N/a

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

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

Tesco is a large national operator with a range of head office and local support. The company has devised policies, procedures, systems, and training to ensure that they sell alcohol in a responsible manner.

There is a detailed programme which ensures that comprehensive training is provided to employees having regard to their role and the responsibilities and such training is regularly reviewed, and records kept.

b) The prevention of crime and disorder

We will have a digital CCTV system that covers the premises, including the main area which will be used for display of alcohol. Images will be retained for 31 days.

A member of the management team will be on the premises all the time the store is open. This colleague will have responsibility for the premises and will be the initial point of contact for any issues that may arise.

c) Public safety

The premises licence holder is fully aware of its responsibilities under a range of health and safety related legislation and has policies and procedures in place to be confident of complying with the relevant obligations which arise.

d) The prevention of public nuisance

The company has a "good neighbour" ethos which seeks to ensure that the premises plays an active part in the local community.

e) The protection of children from harm

The premises will operate a Think 25 policy. The checkouts will be programmed to prompt the customer assistant when an alcohol product is scanned at the checkout to follow the Think 25 policy.

All colleagues will receive training in relation to the underlying law and Tesco policy, systems, and procedures. This training will be documented, and refresher training will be provided on a regular basis.

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	
Date	20/05/2022
Capacity	Hardish Purewal - Licensing Manager (Duly Authorised Agent)

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

Signature	
Date	
Capacity	

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

Tesco Licensing Team,
Maldon Building, 2nd Floor
5 Falcon Way, Shire Park

Post town	Welwyn Garden City, Hertfordshire	Post code	AL7 1TW
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

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.

1. 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 for the late-night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - 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.
 - 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.
 - 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.
 - 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:
 - 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.
 - 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.
- 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.
- 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example, 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.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. Please 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.
 9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises. If you wish people to be able to do both, please tick 'both'.
 10. Please 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 or the presence of gaming machines.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.



From: Mark Swallow
Sent: 06 June 2022 08:57
To: 'Purewal, Hardish'
Cc: Licensing
Subject: RE: [External]: Tesco Superstore, Bristol Road South. Rubery. B45 9JL.

Good Morning Licensing,

With regard to the premises license variation for Tesco Superstore. Bristol Road South, Rubery, Birmingham B45 9JL. West Midlands Police have reviewed this application and are happy that if the below conditions are added to the licence 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 copied in 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: Purewal, Hardish
Sent: 01 June 2022 16:25
To: Mark Swallow
Subject: [External]: Tesco Superstore, Bristol Road South. Rubery. B45 9JL.

Good afternoon Mark

Good to speak with you just now.

If the variation is granted for Tesco Superstore, Bristol Road South. Rubery. B45 9JL, we would be happy to agree the following conditions,

- CCTV to be fitted in the premises with the ability to capture images in all light conditions. Images will be retained for a period of 31 days and will be made available to the responsible authorities to view or copies produced on request.
- If for any reason the CCTV hard drive needs to be replaced, the previous old hard drive will be kept on site for 31 days and made immediately available to any of the responsible authorities on request.
- All store colleagues will receive training in the Licencing objectives and underage sales. No colleagues will work at the premises until this training has been completed. Refresher training should take place twice a year.
- Training records to be made available to the responsible authorities on request.
- The premises will operate a Think 25 policy at the premises and signage will be displayed.
- An Incident log will be maintained at the premises and made available to the responsible authorities on request.
- A refusal system will be operated at the premises. When alcohol is scanned a checkout prompt will appear with a date of birth and the cashier will be required follow the Think 25 training.

- The premises will complete a risk assessment for the requirement of security at the premises
- Any security guarding will be SIA registered and should provide this licence when requested by the responsible authorities

Thanks
Hardish



LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

3112 / 2

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Tesco 2044 Bristol Road South Rubery	
Post town:	Post Code:
Birmingham	B45 9JL
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	-	22:30 M2
Seasonal Variation of 6AM-Midnight throughout the month of December	06:00	-	00:00 M2

The opening hours of the premises			
Monday – Sunday	07:00	-	22:30
Seasonal Variation of 6am-Midnight throughout the month of December	06:00	-	00:00

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 Tesco Stores Limited Tesco House Shire Park, Kestrel Way Welwyn Garden City	
Post town: Hertfordshire	Post Code: AL7 1GA
Telephone Number:	
Email	

Registered number of holder for example company number or charity number (where applicable) 00519500
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Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Gemma Louise Williams	
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 20/000054/LAPER	Issuing Authority SANDWELL METROPOLITAN BOROUGH COUNCIL

Dated 07/11/2018

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

The licence holder shall ensure there are training policies and formal training programmes in place, which will ensure staff are equipped to meet all licensing objectives.

All training and revision/refresher materials will be reviewed regularly.

The licence holder shall ensure they introduce "Think 21" policy to the premises by July 2004, the policy will be brought to the customer's attention through point of sale material at the checkout and wherever alcohol is displayed for sale.

The licence holder shall ensure in addition to local training they will employ a central alcohol licensing compliance manager and compliance committee.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

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

No enforceable conditions identified from operating schedule.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

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

3c) Committee conditions to promote public safety

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

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

Annex 4 – Plans

The plan of the premises with reference number **108149-3112/2** 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.

