

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B

TUESDAY, 04 AUGUST 2020 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 Chairman to advise/meeting to note that this meeting will be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) 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

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**4 LICENSING ACT 2003 PREMISES LICENCE – VARIATION EDEN
MANNA SUPERMARKET, 122 FRANCES ROAD, COTTERIDGE,
BIRMINGHAM, B30 3DX**

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 Chairman are matters of urgency.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Tuesday 4th August 2020
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	Eden Manna Supermarket, 122 Frances Road, Cotteridge, Birmingham, B30 3DX
Ward affected:	Stirchley
Contact Officer:	David Kennedy, Principal Licensing Officer, 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), to operate from 6:00am until 12:00midnight (Monday to Sunday).

Premises to remain open to the public from 6:00am until 12:00midnight (Monday to Sunday).

2. Recommendation:

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

3. Brief Summary of Report:

Variation application received on 10th June 2020 in respect of Eden Manna Supermarket, 122 Frances Road, Cotteridge, Birmingham, B30 3DX.

Representations have been received from West Midlands Police, 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.

5. Relevant background/chronology of key events:

<p>Eden Manna Supermarket Ltd applied on 10th June 2020 to vary the Premises Licence for Eden Manna Supermarket, 122 Frances Road, Cotteridge, Birmingham, B30 3DX.</p> <p>A representation has been received from West Midlands Police as a responsible authority. See Appendix 1.</p> <p>A representation has been received from other persons. See Appendix 2.</p> <p>The application is attached at Appendix 3.</p> <p>The current Premises Licence is attached at Appendix 4.</p> <p>Site Location Plans at Appendix 5.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ul style="list-style-type: none">a. The prevention of crime and disorder;b. Public safety;c. The prevention of public nuisance; andd. The protection of children from harm.
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6. List of background documents:

<p>Copies of the representations are detailed in Appendices 1 & 2</p> <p>Application Form, Appendix 3</p> <p>Current Premises Licence, Appendix 4</p> <p>Site Location Plans, Appendix 5</p>
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7. Options available

<p>To grant the variation application</p> <p>To refuse the whole or part of the application</p> <p>To modify the conditions of the Licence</p>
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From: Christopher Jones
Sent: 23 June 2020 09:41
To: Licensing
Cc:
Subject: variation Eden Manna Supermarket - Frances Rd Cotteridge

Good Morning Licensing,

West Midlands Police object to the variation application from Eden Manna Supermarket, 122 Frances Road, Cotteridge. B30 3DX to extend it's licensable hours commencing at 06.00hrs daily. The objection is made under the prevention of crime & disorder and the protection of children from harm licensing objectives.

The premises first applied for a premise licence in January 2019. In this application the premises applied for the sale of alcohol for consumption off the premises from the hours of 11:00 am, this application was objected to by local interested parties and heard at a licensing subcommittee on 19.03.19.

Licensing sub-committee B on 19th March 2019 stated in their decision notice – *“the head teacher of Cotteridge Primary School had concerns about the sale of alcohol before 17:30 hours, a time when primary aged children stayed on site. The head teacher described some parents present on site to collect their children were intoxicated, and feared the situation would increase in the summer months as a result of the off-licence in such close proximity to the school. Further the school was surrounded by a few local businesses whose retail nature was considered to be un-healthy for young children.”*

The committee did grant the licence but imposed new conditions and reduced the licensable hours that they could sell alcohol during the week.

It is noted that this variation has applied for hours from 06:00, which is considerably early than the hours originally applied for. The original hours of 11am would not have impacted on children going to school, this variation application would do so. The exposure of children to alcohol is a concern highlighted in the original decision notice.

This variation application has been made by the same agent on behalf of the same operator that applied for the original grant in 2019. West Midlands Police note with some concern that the variation application has not explained or negated the concerns raised by the licensing committee in March 2019.

The variation application has added additional operating conditions. Although when these are scrutinised against the operating conditions already on the current licence it shows the below:

- An additional condition under “Safety” stating “CCTV will be operational in all public areas including entrance and exits”
 - To West Midlands Police this adds little to the CCTV condition already on the current licence
- An additional condition under “Safety” stating “external lighting will be on during operational hours”
 - This adds nothing to negate the concerns around children being exposed to alcohol or people under the influence of alcohol
- An additional two conditions under “Child” – “there will be no advertisements for alcohol outside the premises, or in the windows facing out, and all spirits will be kept behind the counter”
 - Again West Midlands Police cannot see how this addresses any concerns expressed by the licensing committee, and there is no explanation as to why the applicant feels it would.

As a result of the variation application, on Friday 12th June at approximately 11.50hrs officers from West Midlands Police Central Licensing Team visited the premises. There were two people in the premises, one transpired to be the PLH and DPS, and the other was a member of staff.

It was immediately noted that the premises was in breach of a committee imposed condition of; *'The licence holder shall ensure that at times when the premises are open but alcohol is not for sale that alcohol is not on view and is covered by lockable blinds or shutters.'*

Alcohol was openly on display behind the sales counter in an open fridge and on shelving units and could be seen from the public footpath. (Photographs were taken by the officers and can be produced.)

The DPS and applicant for the current variation (Mr Boniface Nyepango Lumumba) was spoken with by officers. He stated that he was aware of his licence conditions and knew he was in breach of them by displaying alcohol in the premises outside his licensable hours.

Mr Lumumba stated that he had no choice as the shop was too small to store the amount of alcohol at the premises and it was impracticable to keep removing it on and off display.

The longer officers spoke with Mr Lumumba the more defensive he became saying he was being victimised for trying to do the right thing (submitting the variation) that the police had received no complaints about the premises and it was unfair.

Officers had concerns that as alcohol was seemingly being offered for sale outside the licensable hours that the premises had been carrying out licensable activity outside its licenced hours. Although there were signs in the premises stating that alcohol could only be sold between the hours stated on the premises licence.

Officers requested to review the CCTV in the premises. Mr Lumumba stated this could not be done as the 'system had rebooted and he didn't have the password'

This is a breach of the operating condition around CCTV, which clearly states

- *The images recorded by the CCTV system must be retained in unedited form for a period of not less than 31 days and will be downloaded and made available to any Responsible Authority upon request*
- *The CCTV system will display the correct date and time on all recordings (taking account of GMT and BST).*
- *The premises licence holder will ensure a member of staff trained person in the use of and operation of the CCTV system will be present at the premises at all times when it is open to members of the public.*
- *This person will be able to fully operate the CCTV system and will be able to download any images requested by any Responsible Authority. The premises licence holder will maintain an incident recording system and will record any incidents occurring inside, or immediately outside the premises which they believe negatively impacts on any of the licensing objectives.*

Mr Lumumba was informed that officers would return on Monday 15th June 2020 to review the CCTV once he had been able to source a CCTV engineer.

Officers again attend the premises on 15th June at approximately 13.00hrs and again Mr Lumumba was at the premises.

The CCTV was now working with a new hard drive fitted on Saturday 13th June, officers were shown the invoice for system fitted. Mr Lumumba was asked for the old hard drive as officers were still concerned about the sale of alcohol outside the licensable hours.

He stated that the CCTV engineer had taken it with him. Mr Lumumba was requested to either recover the hard drive from the engineer or obtain a written report from him stating why the old hard drive was no longer available. Officers have given a date of 22nd June 2020 for the hard drive or engineer report to be made available to them.

Of note on this visit the alcohol in the premises was covered, with the signs still on display regarding the licensable hours, albeit not to the fullness of the premises operating condition of being '*covered by lockable blinds or shutters.*'

On Sunday 21st June 2020 West Midlands Police Central Licensing Team received an email from Mr Lumumba stating:

'At your request, we have searched for a copy of the previous CCTV, it is however with regret that we write to inform you that we have not been able to locate the same. As previously stated, we have had to replace the CCTV in the store as we had been unable to review the old CCTV due to technical issues. Several attempts were made to contact the company who had install the CCTV in order to resolve this issue, however this was unsuccessful, and we were not able to get this resolved. Therefore, we have had to replace the CCTV and it appear the old one has been misplaced and we cannot locate it. However, should we have sight of this, we will of course revert back to you.'

West Midlands Police are disappointed that the old hard drive cannot be located as the request for it was made only 48 hours after the new system had been installed. This obviously does nothing to allay West Midlands Police concerns regarding the premises carrying out licensable activity outside their permitted hours.

The fact that – 1) this application does not address the concerns raised by the licensing committee on 19th March 2019 - 2) the hours and conditions were imposed by the licensing committee – 3) Licensing breaches already identified – 4) The PLH/DPS knew he was in breach of his premises licence and still considered it acceptable to trade West Midlands Police have no alternative other than to object to this application.

Regards

Chris Jones 55410

Birmingham Central Licensing Team West Midlands Police

Preventing crime, protecting the public and helping those in need.

From: Councillor Mary Locke
Sent: 17 June 2020 12:54
To: Licensing; Paul Lankester; Emma Rohomon
Subject: Licensing Application

I wish to register my objection to the application no 115516 Eden Manna Supermarket 122, Frances Road, Cotteridge, Birmingham B30 3DX.

These premises are opposite Cotteridge Primary School. The amended license was agreed in 2019. But, with amended opening hours. I feel that opening hours proposed are totally wrong with the school opposite. The amended hours were 5pm until Midnight. Then 11am until midnight Weekends and school holidays. I propose that this is a better way forward. There are a number of licensed premises close by also. In the area there is a single parents refuge too.

Councillor Mary Locke
Stirchley Ward



Birmingham
Application to vary a premises licence
Licensing Act 2003

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

* required information

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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

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

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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

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

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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.

We are applying to extend the permitted hours for the supply of alcohol for consumption off the premises from: Monday-Sunday 6am-12am.

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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?

☐ Yes

☒ No

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PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

☐ Yes ☒ No

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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?

☐ Yes ☒ No

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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?

☐ Yes ☒ No

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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?

☐ Yes ☒ 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?

☐ Yes ☒ No

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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?

☐ Yes ☒ No

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PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

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

☐ Yes ☒ No

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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 06:00

End 00:00

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 06:00

End 00:00

Start

End

WEDNESDAY

Start 06:00

End 00:00

Start

End

THURSDAY

Start 06:00

End 00:00

Start

End

FRIDAY

Start 06:00

End 00:00

Start

End

SATURDAY

Start 06:00

End 00:00

Start

End

SUNDAY

Start 06:00

End 00:00

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.

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.

NONE

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

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.

Continued from previous page...

WEDNESDAY

Start 06:00

End 00:00

Start

End

THURSDAY

Start 06:00

End 00:00

Start

End

FRIDAY

Start 06:00

End 00:00

Start

End

SATURDAY

Start 06:00

End 00:00

Start

End

SUNDAY

Start 06:00

End 00:00

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.

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

☒ I have enclosed the premises licence

Continued from previous page...

- ☐ 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.

EFFECTIVE ONGOING TRAINING OF ALL MEMBERS OF STAFF TO UNDERSTAND AND PROMOTE THE LICENSING OBJECTIVES AND WORK WITH IN THE CONDITIONS SET BY THE PREMISES LICENCE.
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b) The prevention of crime and disorder

CCTV WILL BE IN OPERATION IN ALL AREAS OF THE SHOP. THE CCTV SYSTEM WILL RECORD AT ALL TIMES THAT THE PREMISES ARE OPEN FOR LICENSABLE ACTIVITIES. RECORDINGS WILL BE STORED FOR A MINIMUM OF 31 DAYS AND IMAGES WILL BE PROVIDED TO THE POLICE UPON REQUEST WITH THE MINIMUM OF DELAY. THERE WILL ALWAYS BE A MEMBER OF STAFF PRESENT WHILST THE PREMISES IS OPEN TO THE PUBLIC WHO IS CONVERSANT WITH THE CCTV SYSTEM AND ABLE TO DOWNLOAD IMAGES ON REQUEST FOR THE POLICE. AN INCIDENT LOG WILL BE KEPT AT THE PREMISES AND WILL RECORD ANY INCIDENTS OF CRIME OR DISORDER. THIS LOG WILL ALSO RECORD ANY REFUSALS OF SALE. THE LOG WILL BE AVAILABLE FOR INSPECTION ON REQUEST BY A POLICE OFFICER OR OTHER RESPONSIBLE AUTHORITY.
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c) Public safety

CCTV WILL BE IN OPERATION IN ALL PUBLIC AREAS INC ENTRANCES AND EXITS EXTERNAL LIGHTING WILL BE ON DURING OPERATIONAL HOURS
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d) The prevention of public nuisance

STAFF WILL ENSURE NO CUSTOMERS LOITER OUTSIDE OF THE PREMISES

e) The protection of children from harm

A CHALLENGE 25 PROOF OF AGE SCHEME WILL BE IN OPERATION AT THE PREMISES WHERE THE ONLY FORMS OF ACCEPTABLE ID WILL BE A PASSPORT, PHOTO DRIVING LICENCE OR PROOF OF AGE CARD WITH THE HOLOGRAPHIC LOGO. THERE WILL BE A "No ID, No Sale" POLICY AT ALL TIMES FOR PEOPLE WHO LOOK UNDER 25. ALL STAFF WILL RECEIVE TRAINING ON THIS POLICY AND TRAINING RECORDS WILL BE KEPT FOR INSPECTION IF REQUESTED BY THE POLICE OR OTHER RESPONSIBLE AUTHORITY THERE WILL BE NO ADVERTISEMENTS FOR ALCOHOL OUTSIDE THE PREMISES OR IN THE WINDOWS FACING OUT ALL SPIRITS WILL BE KEPT BEHIND THE COUNTER STAFF WILL ENSURE NO CUSTOMERS LOITER OUTSIDE OF THE PREMISES

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NOTES ON REGULATED ENTERTAINMENT

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
* Capacity
* Date / /
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.

OFFICE USE ONLY

Applicant reference number
Fee paid
Payment provider reference
ELMS Payment Reference
Payment status
Payment authorisation code
Payment authorisation date
Date and time submitted
Approval deadline
Error message
Is Digitally signed ☐

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)

LICENSING ACT 2003**PREMISES LICENCE****Premises Licence Number:**

5026 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description Eden Manna Supermarket 122 Frances Road Cotteridge	
Post town: Birmingham	Post Code: B30 3DX
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 - Friday	17:30	-	00:00 M2
Saturday - Sunday	11:00	-	00:00 M2

The opening hours of the premises			
Monday - Sunday	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 Eden Manna Supermarket Ltd 122 Frances Road Cotteridge	
Post town: Birmingham	Post Code: B30 3DX
Telephone Number: Not Specified	
Email Not Specified	

Registered number of holder for example company number or charity number (where applicable) 10889489
--

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

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 10853	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 21/03/2019

Bhapinder Nandhra
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 premises licence holder will ensure all members of staff with the exception of personal licence holders receive training regarding the:-

- Four licensing principles contained in the Licensing Act 2003;
- The law regarding sales of alcohol;
- Protection of children from harm and this must include
 - Challenge 25 and how to competently check customers' identification where necessary.

Training records must be maintained at the premises for each member of staff evidencing the training provided and made available for inspection by any Responsible Authority on request.

No members of staff will be permitted to sell alcohol until such time as they have successfully completed the required training.

The premises licence holder will ensure that ongoing staff refresher training is conducted every six months highlighting the importance of making sure people under 18 years are not able to obtain access to alcohol.

All spirits exposed for sale with the exception of spirit mixtures must be displayed behind the counter and supervised at all times

No alcohol will be displayed in the vicinity of the entrance door and all alcohol displayed for sale must be displayed in an area which is clearly visible to members of staff standing behind the counter.

The premises licence holder will not display any posters to promote or advertise alcohol sales in the premises window on Pershore Road (opposite Cotteridge Primary School).

The premises licence holder will not use any 'A' boards or similar street signage to advertise alcohol.

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

A CCTV system will be operational in the premises and will record at all times when the premises are open to members of the public.

The images recorded by the CCTV system must be retained in unedited form for a period of not less than 31 days and will be downloaded and made available to any Responsible Authority upon request

The CCTV system will display the correct date and time on all recordings (taking account of GMT and BST).

The premises licence holder will ensure a member of staff trained person in the use of and operation of the CCTV system will be present at the premises at all times when it is open to members of the public. This person will be able to fully operate the CCTV system and will be able to download any images requested by any Responsible Authority.

The premises licence holder will maintain an incident recording system and will record any incidents occurring inside, or immediately outside the premises which they believe negatively impacts on any of the licensing objectives.

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

A notice must be prominently displayed in the premises requesting that customers respect the needs of local residents and other businesses in the vicinity and to leave the premises quietly.

The premises licence holder will maintain the area outside the premises in a clean and tidy manner.

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

The premises will operate a strict Challenge 25 age verification policy – **No ID - No Sale**

The premises licence holder will implement and operate a Challenge 25 age verification policy to prevent the sale or supply of alcohol to persons under 18 years of age. The policy must specify the only accepted forms of identification shall be a:-

- photographic driving licence;
- valid passport;
- military identification;
- other recognised forms of photographic identification incorporating the PASS logo; or
- any other form of identification approved by the Secretary of State

A copy of a written age verification policy (challenge 25) must be signed by all members of staff to confirm they have read and understand the policy. The signed copy must be maintained at the premises and available for inspection by any Responsible Authority on request.

The premises licence holder will maintain a refusals book (or refusal button on EPOS – Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18. The refusal book or record of till recorded refusals must be made available to any Responsible Authority on request.

Notices must be displayed at the premises and clearly visible to customers informing them that a Challenge 25 age verification policy is in operation at the premises.

The premises licence holder will maintain a refusals register (or refusal button on EPOS – Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18.

The refusal register or record of till recorded refusals must be maintained at the premises and made available for inspection by any Responsible Authority on request.

Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Licensing Sub Committee Resolved to GRANT the licence on Tuesday 19th March 2019 subject to the modification of hours and additional condition as below:

Modification of hours Alcohol:

The hours for the sale of alcohol (for consumption off the premises) shall apply as follows:

17.30 hours until 12:00 midnight (Monday to Friday)

11:00 hours until 12:00 midnight (Saturday to Sunday)

The premises to remain open to the public as follows: 06:00 hours until 12:00 midnight (Monday to Sunday)

The licence holder shall ensure that at times when the premises are open but alcohol is not for sale that alcohol is not on view and is covered by lockable blinds or shutters

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

N/A

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

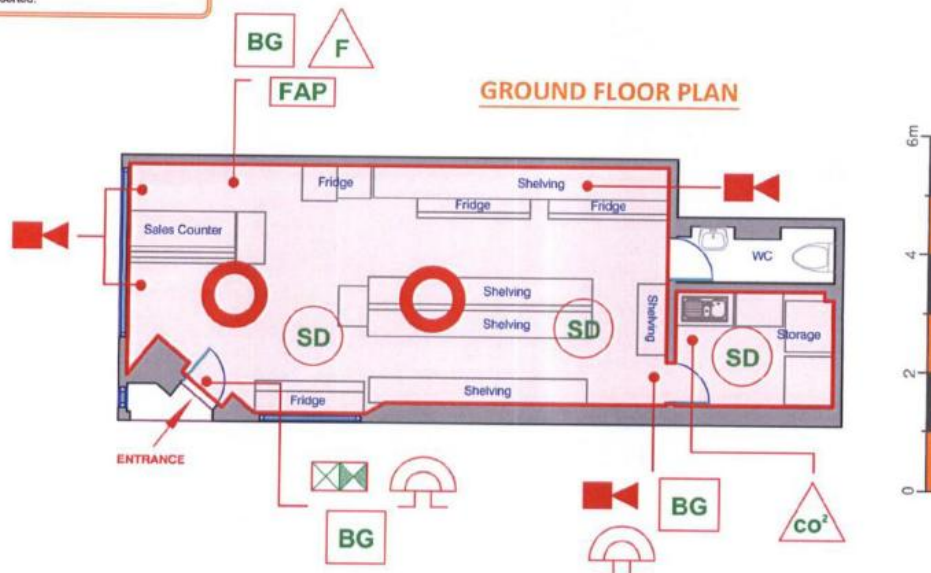
Annex 4 – Plans

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SYMBOLS KEY:

	: Emergency Lighting Point		: Fire Extinguisher - Foam
	: Exit Sign Internally, Illuminated		: Sounder
	: Smoke Detector		: Fire Alarm Panel
	: CCTV		: Break Glass
	: Fire Extinguisher - CO2		: Licensed Area

Licensed Floor Area
Licensed Ground Floor Area: 41.41ms

Total Licensed Floor Area: 41.41ms

Drawing No: 004110	Drawing Title: Ground Floor Plan	Property: 122 Frances Road, Birmingham, B30 3DX	Date: 15/01/2019	Sheet: 1 of 1
UK Surveyors Ltd <small>CAD Drafting - Planning - Building Regulations - Building Surveying - Alcohol Licensing</small>			Freephone: 0808 168 9059 Head Office: 01889 220 880 enquiries@uksurveyors.net www.uksurveyors.net	
			Drawn By: OH Scale: 1:100 @ A4	



Birmingham City Council Map Created By:

Notes

Date of Map Creation: 11/02/2019

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Scale:
1:4,000



Birmingham City Council Map Created By:

Date of Map Creation: 11/02/2019

Notes



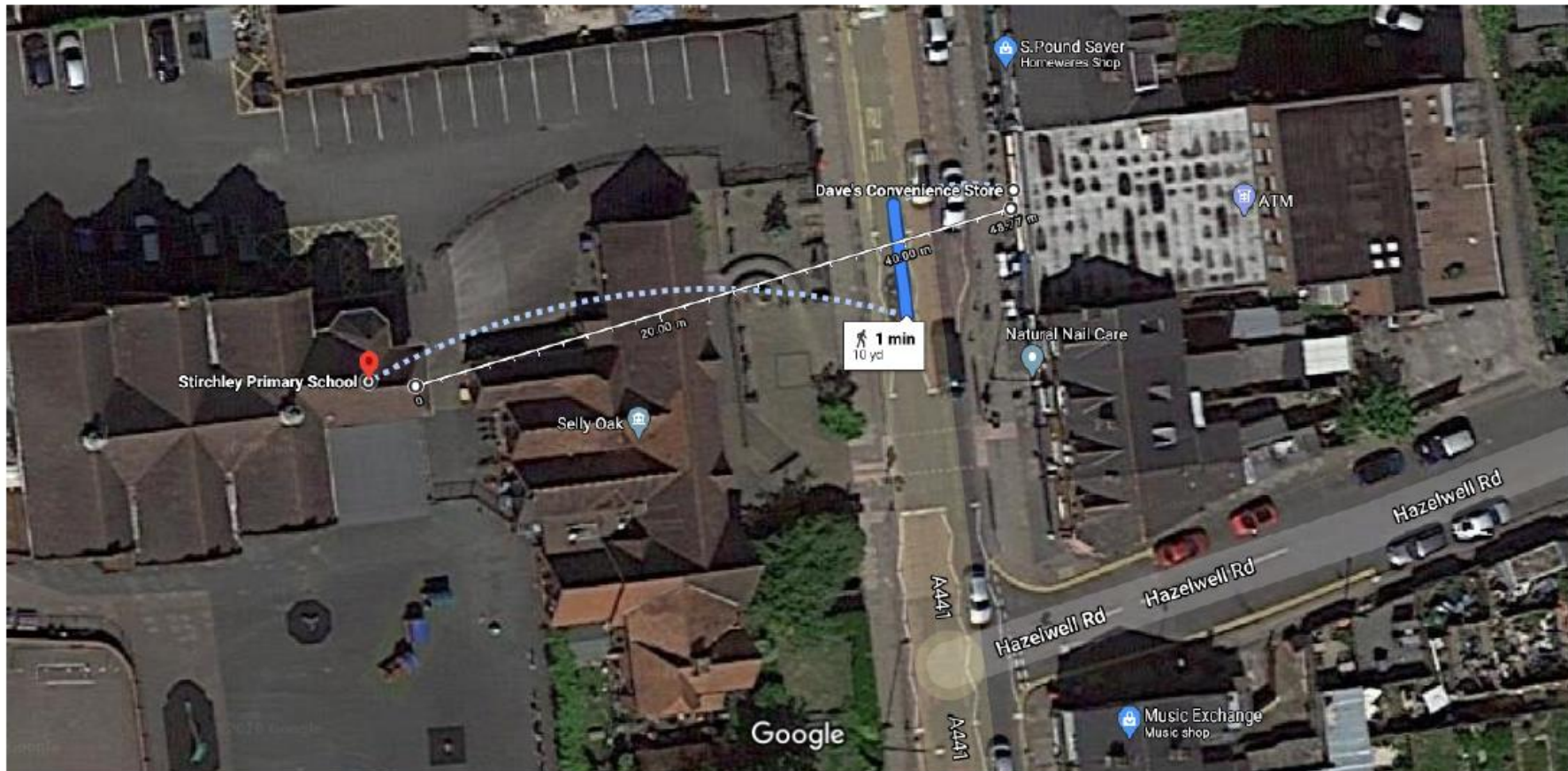
Scale:
1:1,250

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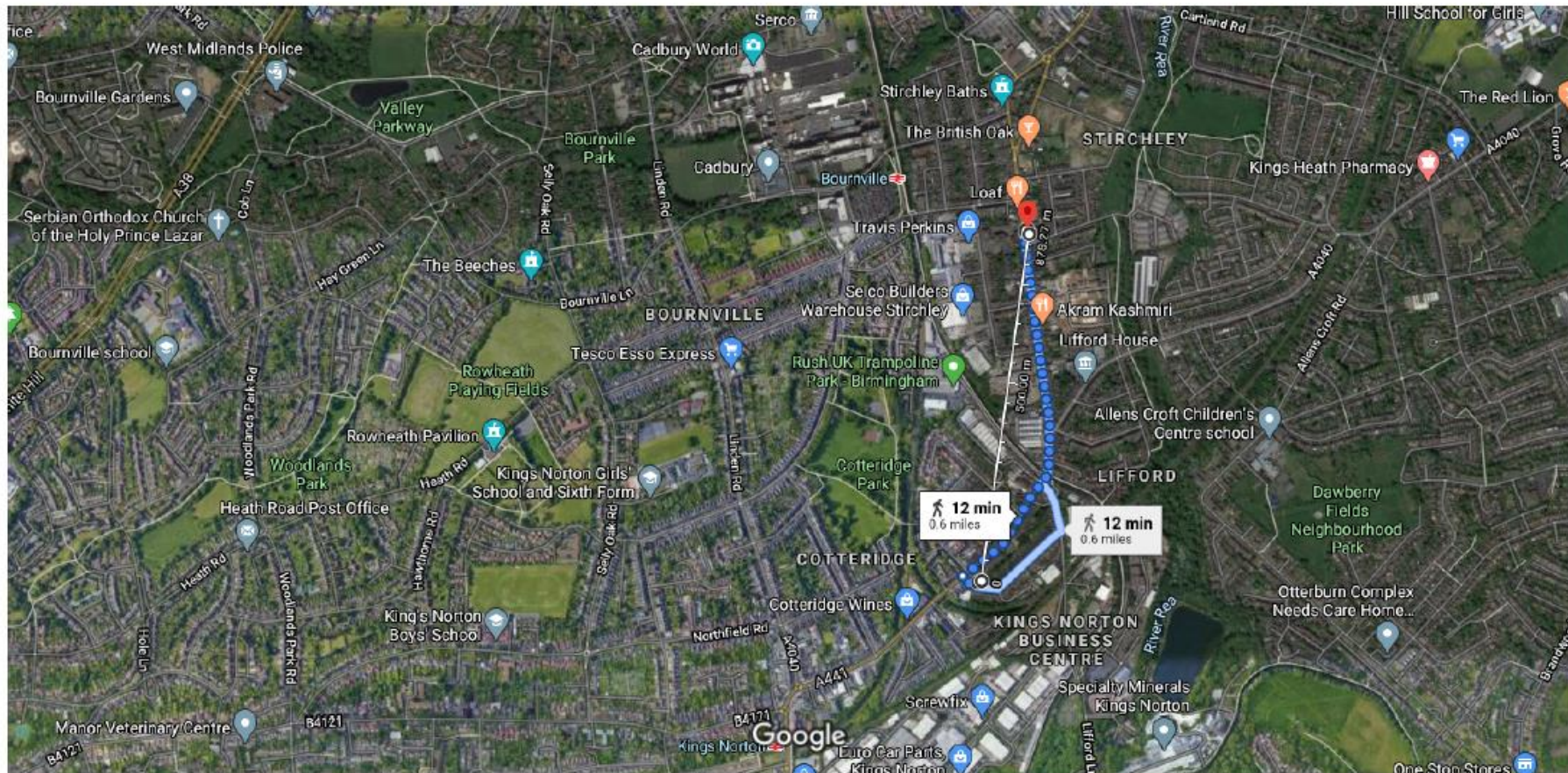
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Measure distance
Total distance: 48.77 m (160.00 ft)



Imagery ©2020 Bluesky, Getmapping plc, Infoterra Ltd & Bluesky, Maxar Technologies, The GeoInformation Group, Map data ©2020 200 m

Measure distance

Total distance: 878.27 m (2,881.46 ft)

Dave's Convenience and Stirchley Primary School

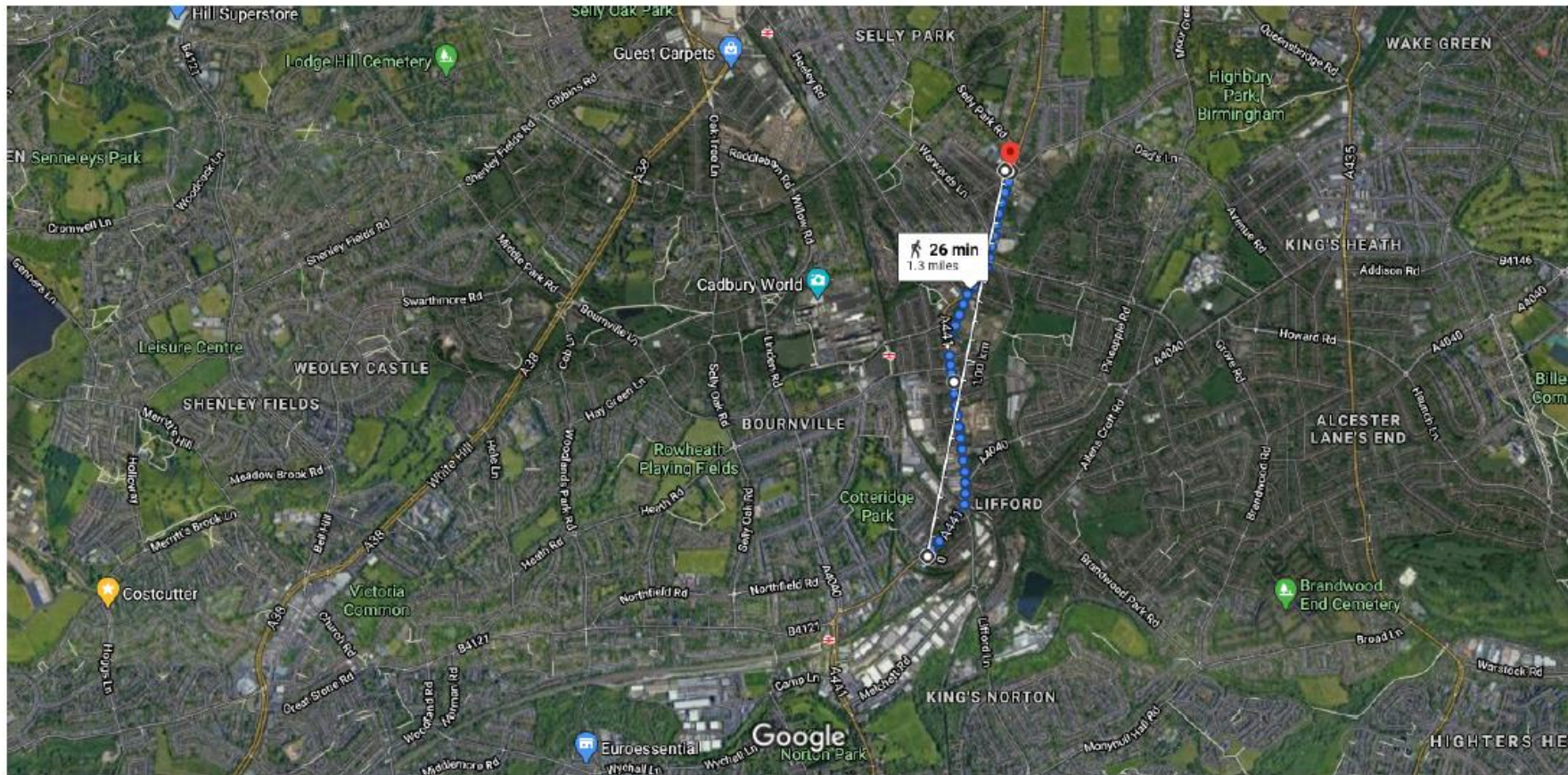


Dave's view from Stirchley Primary School



Stirchley Primary School view from Dave's





Imagery ©2020 Bluesky, Getmapping plc, Infoterra Ltd & Bluesky, Landsat / Copernicus, Maxar Technologies, The GeoInformation Group, Map data ©2020 500 m



via Pershore Rd/A441

26 min

1.3 miles

Selly Acre News and Selly Park Girls School





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20 m

Measure distance

Total distance: 42.60 m (139.76 ft)

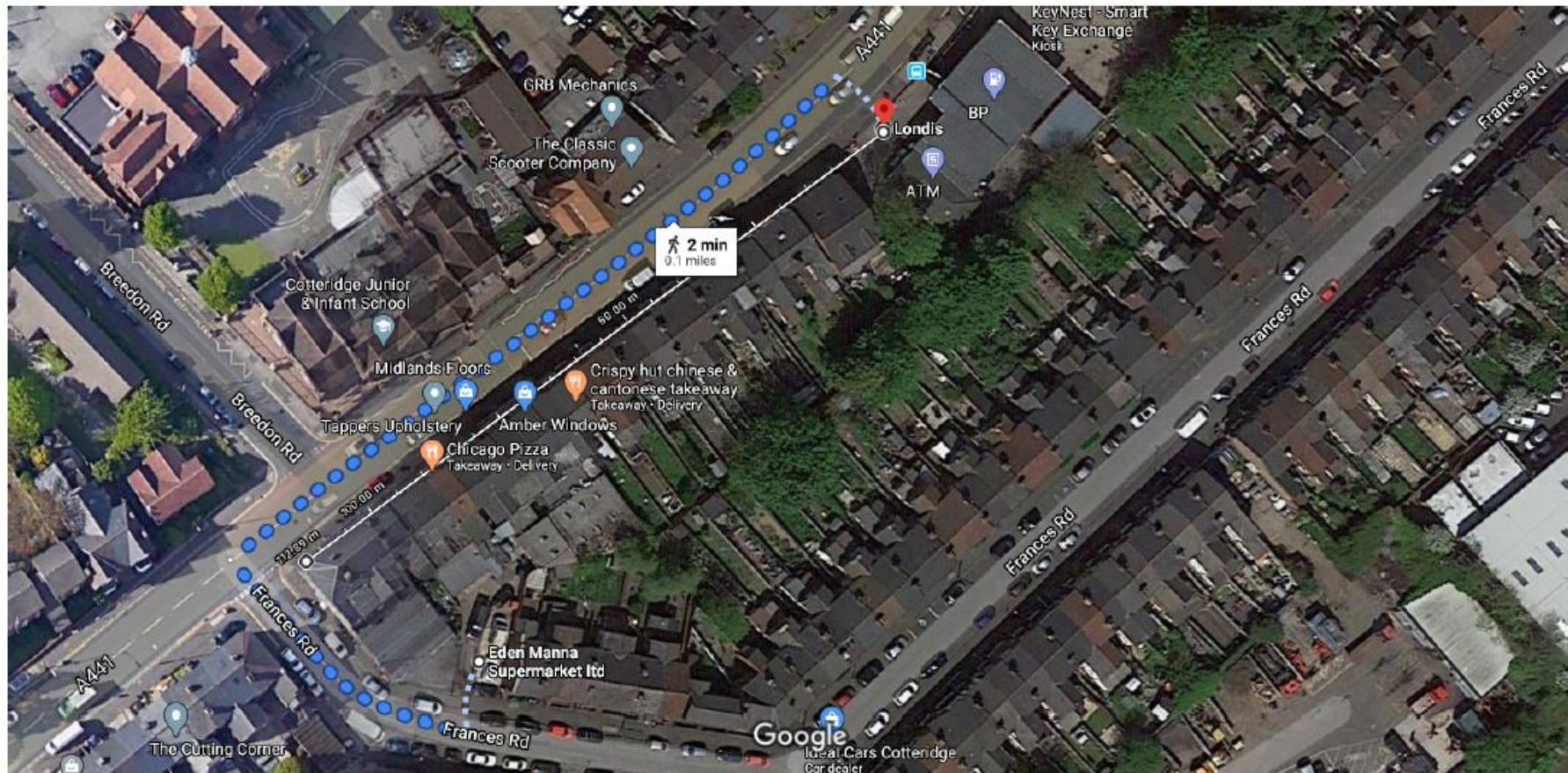


Imagery ©2020 Bluesky, Getmapping plc, Infoterra Ltd & Bluesky, Maxar Technologies, The GeoInformation Group, Map data ©2020

20 m

Measure distance

Total distance: 69.55 m (228.17 ft)



Imagery ©2020 Bluesky, Getmapping plc, Infoterra Ltd & Bluesky, Maxar Technologies, The GeoInformation Group, Map data ©2020

20 m

Measure distance

Total distance: 112.89 m (370.36 ft)

Correspondence relating to knee issue

Page: 1 of 1 - Boniface Lumumba-Nyepango [REDACTED]

Sandwell and West Birmingham Hospitals **NHS**
NHS Trust

Digital correspondence - Do not print copy for GP

Trauma and Orthopaedics - [REDACTED]

Dr Summerfield Group Practice
Summerfield Prim Care Ctr
134 Heath Street, Winson
Birmingham
West Midlands
B18 7AL

"Want to go paperless? Go to
<http://www.swbh.nhs.uk/email> to find
out more and register."

Appointment Date: 28/04/2020
Transcribed: 05/05/2020

Dear Doctor

Re: Mr Boniface Lumumba-Nyepango DOB: [REDACTED] NHS Number: [REDACTED]

Kindly note that I have had a telephone consultation with Mr Lumumba-Nyepango with regards to his knee symptoms and a further MRI he had in February. His recent MRI confirms severe arthritic changes in his lateral compartment causing severe symptoms in his knee.

On further discussion, I have agreed to review him when our clinics re-open and have requested for a further clinic appointment today.

Yours sincerely

Electronically signed by Sue Mary Reeves Author
at 3:42 PM on 5/05/2020

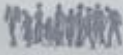
MR Kemp Narayanasetty MS Orth, FRCS, Tr & Orth
Consultant in Trauma and Orthopaedics

Copy to:

Mr Boniface Lumumba-Nyepango
[REDACTED]

Sandwell & West Birmingham Hospitals NHS Trust is research active. During your appointment you may be asked to participate in a research study if you are eligible

Sandwell Hospital
Lyndon
West Bromwich
B71 4HJ

 RESEARCH

City Hospital
Dudley Road
Birmingham
B18 7QH

Smoking is banned across the Trust, however vaping outside is permitted

Email correspondence regarding electricity at the Premises

Screenshot of an Outlook email interface showing a message from the Administrator of sscenergy.co.uk regarding a re-connection for a new tenant at Eden Manna Supermarket Ltd.

Subject: RE: COT - 122 Francis Road Re-Connection Acct No 3005756908 // SS Connections

From: Administrator <administrator@sscenergy.co.uk>
Date: Wed 18/12/2019 14:07
To: MKT Coenquiries GP; newconnections@totalgp.com
Cc: You

Attachments:

- Eden Manna - LOA 171219.pdf (188 KB)
- Eden Manna Supermarket Le... (665 KB)

6 attachments (3 MB) Download all Save all to OneDrive

Hi,

Query Ref: 1923750

Name: New Tenant - Eden Manna Supermarket Ltd
Acct No: 3005756908
MPAN: 1417943701000
Site Address: 122 Francis Road, Birmingham, B30 3DX

The email interface includes a sidebar with folders (Inbox: 30893, Junk Email: 92, Drafts: 38, Sent Items: 1, Deleted Items: 2, Archive, Notes) and a top navigation bar with options like Reply, Delete, Archive, Junk, Move to, and Categorise. A Sainsbury's advertisement is visible on the right side of the email view.

outlook.live.com/mail/0/search/id/AQMkADAwATYwMAItOTZlMS02NgBiNC0wMAItMDAKAEYAAAN0KNIpaTcKQLMbQILh...

total gas

Browse smarter with the new Microsoft Edge. Download now

New message

Reply Delete Archive Junk Move to Categorise

Favourites

Folders

Inbox 30893

Junk Email 92

Drafts 38

Sent Items 1

Deleted Items 2

Archive

Notes

Upgrade to Microsoft 365 with premium Outlook features

RE: COT - 122 Francis Road Re-Connection Acct No 3005756908 // SS Connections



Hi,

Query Ref: 1923750

Name New Tenant - Eden Manna Supermarket Ltd
Acct No 3005756908
MPAN 1417943701000
Site Address 122 Francis Road, Birmingham, B30 3DX

I have advised before, the landlord and the tenant initially notified Total of the change of tenancy back in December 2018 and made numerous attempts after, Nikita from Total GP COO Team advised they have acknowledged the notification but deemed the lease invalid. To date there has been NO letters, emails or notifications to say the lease was invalid, had they've been informed the situation would have been different.

The meter was disconnected yesterday which leaves the customer in serious peril as they have £4,000's of stock in the freezer which will be perished if not connected today. What I'm completely baffled is how the Agent disconnected meter without noticing that the previous tenant is no longer at the premise. The shop is clearly signed on a different name, and the letter to disconnect the meter was on the previous name which I might add the customer has categorically deemed the Agent to unlawfully disconnect the meter and enter into the property without permission i.e. - trespassing.

outlook.live.com/mail/0/search/id/AQMkADAwATYwMAItOTZlMS02NgBiNC0wMAItMDAKAEYAAAN0KNIpaTcKQLMbQILh...

total gas

Browse smarter with the new Microsoft Edge. Download now

New message

Reply Delete Archive Junk Move to Categorise

Favourites

Folders

Inbox 30893

Junk Email 92

Drafts 38

Sent Items 1


Deleted Items 2

Archive

Notes

Upgrade to Microsoft 365 with premium Outlook features

RE: COT - 122 Francis Road Re-Connection Acct No 3005756908 // SS Connections



Due to the serious nature of the matter, I would need the meter to be reconnected as soon as possible first and foremost and then we can process the COT and investigate the lack of communication to the point the meter got disconnected.


In the meantime if you require further information, please let me know.

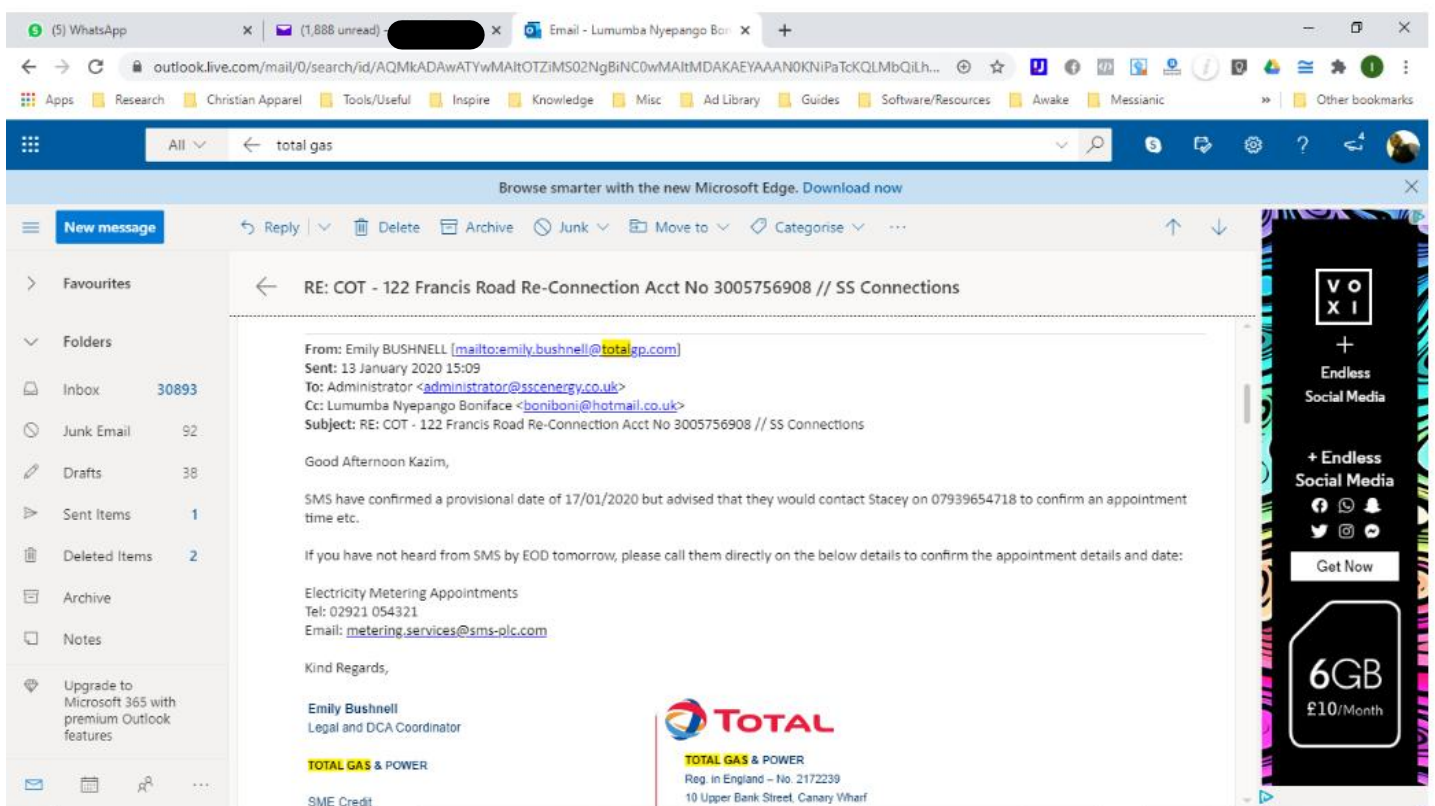
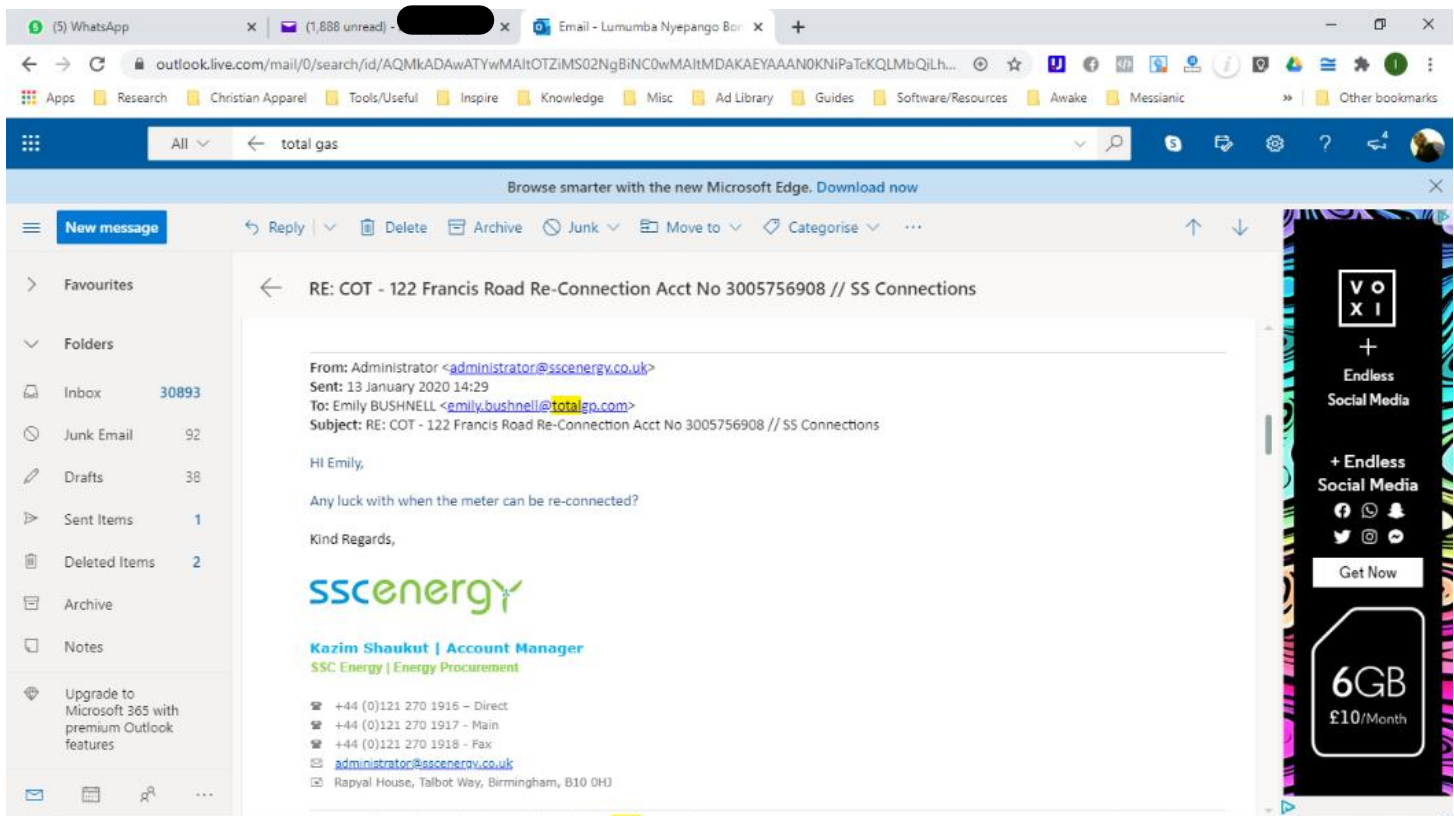
Kind Regards,

sscenergy

Kazim Shaukut | Account Manager
SSC Energy | Energy Procurement

+44 (0)121 270 1916 - Direct
+44 (0)121 270 1917 - Main
+44 (0)121 270 1918 - Fax
administrator@sscenergy.co.uk
Rappall House, Talbot Way, Birmingham, B10 0H1





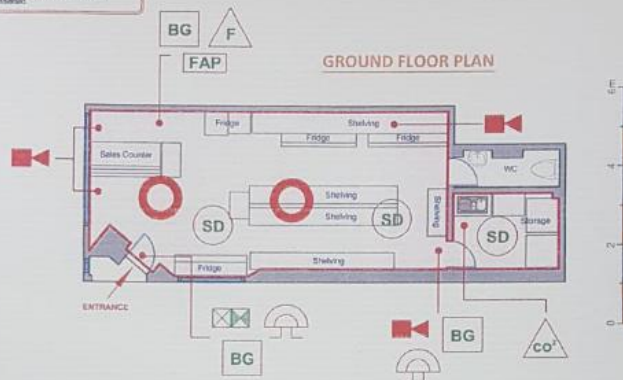
Screenshot of a Microsoft Edge browser window displaying an Outlook email interface. The browser tabs include (5) WhatsApp, (1,888 unread), and Email - Lumumba Nyepango Bor. The address bar shows the Outlook URL. The left sidebar lists folders: Favourites, Folders, Inbox (30893), Junk Email (92), Drafts (38), Sent Items (1), Deleted Items (2), Archive, and Notes. The main email content is titled "RE: COT - 122 Francis Road Re-Connection Acct No 3005756908 // SS Connections" and is from Metering Services <Metering.Services@sms-plc.com> dated Thu 16/01/2020 11:47. The email body states: "Morning All, I can confirm that we contacted the customer yesterday and booked this in for our engineer to attend for tomorrow (17th January). Many Thanks, Zara Joslin, Metering Scheduler". A right sidebar advertisement for VOXI 6GB £10/Month is visible.

CCTV and Witness Statement of Mr Geoff Williams

BIRMINGHAM CITY COUNCIL

Annex 4 – Plans

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SYMBOLS KEY:

	: Emergency Lighting Point		: Fire Extinguisher - Foam
	: Exit Sign Internally, Illuminated		: Sounder
	: Smoke Detector		: Fire Alarm Panel
	: CCTV		: Break Glass
	: Fire Extinguisher - CO2		: Licensed Area

Licensed Floor Area
Licensed Ground Floor Area: 41.41ms

Total Licensed Floor Area: 41.41ms

Drawing No: 004110	Drawing Title: Ground Floor Plan	Property: 122 Frances Road, Birmingham, B30 3DX	Date: 15/01/2019	Sheet: 1 of 1
UK Surveyors Ltd <small>CAD Drafting - Planning - Building Regulations - Building Surveying - Alcohol Licensing</small>		☎: Freephone: 0800 168 9059 📠: Head Office: 01859 220 880 ✉: enquiries@uksurveyors.net 🌐: www.uksurveyors.net		Drawn By: OH Scale: 1:100 @ A4

16

OFFICIAL – (when complete)

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN

Statement of Geoff Williams

Age if under 18 O '18 (if over 18 insert 'over 18')

Occupation Police Constable 4372

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature  (witness)

Date 25/06/20 *

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am making this statement in relation to the investigation of crime report 20BW/3315L/20.

The victim in this report is Boniface Lumumba who reported a burglary at Eden Manna Supermarket on 04/01/20.

This report was not supplied with any CCTV from within the shop.

No Power in Shop
due to electric supply cut

During my investigation, I spoke with the victim over the phone, in particular regarding CCTV. The victim at no point made me aware of any footage from within the shop premises. The only CCTV I had from this investigation were from other nearby locations and were recordings made on the victims mobile phone playing the footage from a screen recording.

Having read the investigation portal prior to myself handling the report, the attending officers state that there is no CCTV covering the offence, but there is a single camera inside the shop that exists but is pointing at a wall and is of no use. ?

Please see UK Surveyors plan
which confirms the location of 4 cameras

Signature 

03/2016

Signature witnessed by

OFFICIAL – (when complete)

4

within the store and only had one camera within it which was pointing at the wall and was therefore no evidential value. It is the belief that at the time of the burglary the premises did not have a full working, recording CCTV system as it would have been offered as evidence for such a substantial loss. The only CCTV provided by Mr Lumumba was actually from other premises within the vicinity of his shop. *

The lack of CCTV would again be a breach of the premises licence operating conditions and does start to become a pattern when the premises are required to give the police any footage.

The on-going issues and concerns with the CCTV is far removed for the applicant's agent quote in the original licensing hearing as reported on 19th March 19 '**there would be good quality CCTV installed to improve crime prevention in the area**'. This has failed to be the case on the two known occasions when CCTV has been requested by West Midlands Police.

West Midlands Police believe that the premises have not proven in their variation application that they have *addressed or negated the concerns raised by the licensing subcommittee on 19th March 2020 as stated in their decision notice. They also have concerns of the ability of the premises licence holder and DPS to comply with the licensing conditions imposed on his licence as he was obviously trading in full knowledge he was breach of them.

West Midlands Police would recommend that this licence variation is not granted. *CPS*

No objections made by ~~se~~ any representative of the
School this time around

Signature: *CPS*

Signature witnessed by:



West Midlands Police objection to premises licence 5026 variation –

Eden Manna Supermarket, 122 Francis Rd, Cotteridge. B30 3DX

Pages	Documents
1 to 4	Statement from Licensing officer Chris Jones
5	View of distance between the premises and Cotteridge Primary School
6 to 7	Birmingham mail report
8 to 9	Original licensing subcommittee decision notice 19th March 20
10 to 12	Photographs of alcohol exposed for sale in the premises
13	Photograph of sign for customers about the times for the sale of alcohol
14	Email from applicant – no hard drive available
15	Crime report – burglary 04.01.20
16	Statement from PC Williams - premises not supplying CCTV for the burglary

WITNESS STATEMENT

Crime Number:.....

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5BURN

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Statement of: Christopher Jones 55410

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Licensing Officer

This statement (consisting of 4 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: Date: 22nd July 2020Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am currently employed by West Midlands police as a licensing officer based at Lloyd House, Colemore Circus, Birmingham B4 6NQ with the central licensing team. This team has responsibility for all the licensed premises within the Birmingham City Council area. On Wednesday 10th June 2020 we received a variation application for a premises; Eden Manna Supermarket 122 Frances Road, Cotteridge, Birmingham B30 3DX. The application was submitted by a licensing agent on behalf of the applicant Mr Boniface Nyepango Lumumba. Mr Lumumba is the sole director of the current premises licence holding company and the DPS of the premises. The application was for the sale of alcohol between the hours 6am and midnight 7 days a week, changing from the current licensable hours of 5.30pm to midnight Monday to Friday and 11am to midnight on Saturday and Sunday.

I checked the current licence for the premises and noticed that the licensable hours and some of the operating conditions had been imposed by a licensing subcommittee on 19th March 2019 with the original licence for the premises being finally approved on 21st March 2019. As the application was requesting to remove committee imposed conditions and extend committee imposed licensable hours I asked the council for the decision notice from the hearing on 19th March 19. The Decision notice centred around children's exposure to alcohol due to the fact the premises is situated so close to primary school and stated:

– 'the head teacher of Cotteridge Primary School had concerns about the sale of alcohol before 17:30 hours, a time when primary aged children stayed on site. The head teacher described some parents present on site to collect their children were intoxicated, and feared the situation would increase in the summer months as a result of the off-licence in such close proximity to the school. Further the school was surrounded by a few local businesses whose retail nature was considered to be un-healthy for young children.'

I also noted that the premises original licence application were for the hours of 11am to midnight 7 days a week. The start time of 11am would not have impacted on children going to school, were this application would do so.

The applicant and agent are identical for the original application in 2019 and this variation.

West Midlands Police believe that this current variation application does not address the concerns raised by the

licensing subcommittee in March 19 albeit the applicant has offered the additional control measures in this application:

1. CCTV will be operational in all public areas including entrance and exits
2. External lighting will be on during operational hours
3. There will be no advertisements for alcohol outside the premises or in the windows facing out. All spirits will be kept behind the counter,

Scrutiny of the extra operating conditions reveals that:

1. The CCTV condition adds little to the condition regarding CCTV already on the licence.
2. External lighting adds nothing to negate the concerns around of children being exposed to alcohol or people under the influence of alcohol.
3. Adverts and spirits again does little to address the committee concerns and in fact the alcohol on display inside the premises could be seen from the public footpath and the spirits are already behind the counter.

I visited the premises on Friday 12th June at approximately 11.45hrs, with a colleague, as a result of the variation application being submitted, which is normal routine business when I am in receipt of an application especially when the premises are applying to extend their licensable hours and have committee imposed conditions attached to the licence.

As I entered the premises it was immediately noticeable that alcohol was openly on display behind the sales counter, in an open fridge and on shelving units. The alcohol could be seen through the show window from the footpath. In the premises were 2 males, 1 I now know to be Mr Lumumba and the other a shop worker. We both introduced ourselves to Mr Lumumba and showed our identification cards.

The premises I would describe as a small shop with two isles split down the middle by shelving units. The isle closest to the till was piled with alcohol. The middle shelving unit was four rows deep with alcohol displayed on the top two rows and cans of lager piled above that, approximately 3 cans high stacked on top of each other. The fridge unit had alcohol displayed in it and also had cans of lager piled on top of the fridge almost to the ceiling. The shelves behind the till point were full with bottles of spirits. In my opinion alcohol catered for approximately 40% of the stock that was on display within the premises.

I spoke with Mr Lumumba and ask if he was aware of his licence conditions around selling and displaying alcohol. He said he was and that he knew he was in breach of his licence by displaying alcohol outside his licensable hours. He stated he had no other choice as the shop was too small to store the amount of alcohol and it was impractical to keep removing all on and off display.

The longer I spoke with Mr Lumumba the more defensive he became stating that I was victimising him for trying to do the right thing, That the police had not received any complaints about the premises and I was being unfair.

While I was in the premises I became concerned that they may have been selling alcohol outside their licensable hours as the premises was seemingly exposing alcohol for sale outside these hours. Although there was signage displayed in the premises stating alcohol was only on sale between the hours granted on their licence.

I asked my colleague to view the CCTV. Mr Lumumba quickly stated that the CCTV could not be viewed as they system had rebooted and he no longer had the password. This again breached the premises operating condition around CCTV:

The images recorded by the CCTV system must be retained in unedited form for a period of not less than 31 days and will be downloaded and made available to any Responsible Authority upon request. The CCTV system will display the correct date and time on all recordings (taking account of GMT and BST). The premises licence holder will ensure a member of staff trained person in the use of and operation of the CCTV system will be present at the premises at all times when it is open to members of the public. This person will be able to fully operate the CCTV system and will be able to download any images requested by any Responsible Authority. The premises licence holder will maintain an incident recording system and will record any incidents occurring inside, or immediately outside the premises which they believe negatively impacts on any of the licensing objectives

Mr Lumumba was advised I would revisit on Monday 15th June to review the CCTV once he had sourced and engineer to sort the problem with the hard drive. I again went to the premises as arranged at approximately 1pm, with a colleague. Mr Lumumba was again at the premises with the same member of staff. The CCTV was now working and had been fixed on Saturday 13th June. Mr Lumumba was asked for the old hard drive so that we could if the premises had been selling alcohol outside their licensed hours. He stated that the CCTV engineer had taken the old hard drive with him. He was asked to obtain the hard drive or get a written report for the engineer as to why the hard drive could not be made available. Mr Lumumba was asked to provide this by Monday 22nd June.

On this visit the alcohol in the public area at the premises had been covered, with what looked like sheets. The signs were still visible advising customers of the premises licensable hours. This still does not satisfy the committee imposed condition of being '**covered by lockable blinds.**'

On Sunday 21st June Mr Lumumba sent an email stating:

'At your request, we have searched for a copy of the previous CCTV, it is however with regret that we write to inform you that we have not been able to locate the same. As previously stated, we have had to replace the CCTV in the store as we had been unable to review the old CCTV due to technical issues. Several attempts were made to contact the company who had install the CCTV in order to resolve this issue, however this was unsuccessful, and we were not able to get this resolved. Therefore, we have had to replace the CCTV and it appear the old one has been misplaced and we cannot locate it. However, should we have sight of this, we will of course revert back to you.'

West Midlands Police are disappointed that the old hard drive cannot be located as the request for it was only made 48 hours after the new system had been installed. Obviously this has done nothing to allay our concerns about the premises selling alcohol outside their licensable hours.

There are also concerns around GDPR, data protection, issues as the information stored on the old hard has seemingly been lost, misplaced or even just thrown away without a thought for the data stored on it.

I have checked the force's intelligence system and can confirm Mr Lumumba's assumption that I am unable to find any complaints about the premises from members of the public.

The system does show that the premises was a victim of a burglary on the 4th January 2020 which was reported by Mr Lumumba. Part of what was reported stolen was stated as £2000.00 worth of vodka with a total loss from the premises of £4000.00. The officer in charge of the case states that the premises did not supply any CCTV from

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within the store and only had one camera within it which was pointing at the wall and was therefore no evidential value. It is the belief that at the time of the burglary the premises did not have a full working, recording CCTV system as it would have been offered as evidence for such a substantial loss. The only CCTV provided by Mr Lumumba was actually from other premises within the vicinity of his shop.

The lack of CCTV would again be a breach of the premises licence operating conditions and does start to become a pattern when the premises are required to give the police any footage.

The on-going issues and concerns with the CCTV is far removed for the applicant's agent quote in the original licensing hearing as reported on 19th March 19 **'there would be good quality CCTV installed to improve crime prevention in the area'** This has failed to be the case on the two known occasions when CCTV has been requested by West Midlands Police.

West Midlands Police believe that the premises have not proven in their variation application that they have addressed or negated the concerns raised by the licensing subcommittee on 19th March 2020 as stated in their decision notice. They also have concerns of the ability of the premises licence holder and DPS to comply with the licensing conditions imposed on his licence as he was obviously trading in full knowledge he was in breach of them.

West Midlands Police would recommend that this licence variation is not granted.

Cps

[A large diagonal line is drawn across the page, likely indicating a signature or a mark.]

Signature:

Cps

Signature witnessed by:



School where 'parents turn up drunk' opposes shop's booze licence in Birmingham

A primary school which claims it has problems with some parents turning up 'drunk' has objected to a nearby shop obtaining an alcohol licence.

There have been isolated incidents involving a small number of parents causing alcohol-fuelled disturbances and being abusive on the playground at **Cotteridge** Primary School, said headteacher Jonathan Leonard. Child services have been involved in one severe case while another parent has been banned from the school grounds at Breedon Road.

Mr Leonard has pleaded with a **Birmingham City Council** licensing sub committee not to grant Eden Manna Supermarket an off-licence arguing it would put his 420 pupils - including 73 vulnerable students - at 'significant risk of harm'.



Eden Manna with Cotteridge Primary School in the background.

He added: "It has been said (by the applicant) there is no relation between the shop literally 20 metres across the road from our school and parents possibly drinking outside of the gates, putting children at risk of harm.

"I'm afraid I disagree completely. Because parents do stand outside the school, especially in the summer and they do drink

"The rights and wrongs of that are a big discussion but it's just a fact they do, and easy, quick access to alcohol to me is completely inappropriate in our setting."

Mr Leonard also pointed to the fact there were two vaping shops and a massage parlour on the same row of shops stating that an off-licence would add to the promotion of 'unhealthy lifestyles' to children 'every time they step out of school'.

He added: "Placing an off-licence within metres of a classroom to me, right under our nose as a school, completely undermines the messages we are trying to give to these children.

Eden Manna, which sells general convenience goods and African food, was also accused of being 'presumptuous' because it already has a bold yellow and red overhead sign which says 'Convenience store and off licence' although it was not suggested that they have actually sold alcohol before now

Anthony Gregson, Eden Manna's licensing representative, argued that the school's current issue with parents bore no relation to the shop while stating there would be good quality CCTV installed to improve crime prevention in the area.

Cllr Mary Locke (Lab, Stirchley) had backed the school's objection whilst also arguing the area has a 'terrible reputation' for crime and disorder which may or may not be alcohol-related.

She said she was 'pleased' the shop would not be able to sell alcohol before 5.30pm during the week.

Evening Mail report dated 19th March 2019 & Updated 21st March 2019



BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE B

TUESDAY, 19 MARCH, 2019

EDEN MANNA SUPERMARKET, 122 FRANCES ROAD, COTTERIDGE
BIRMINGHAM, B30 3DX

That the application by Eden Manna Supermarkets Ltd for a premises licence in respect of Eden Manna Supermarket, 122 Frances Road, Cotteridge, Birmingham, B30 3DX be **granted** subject to the modified licensable hours and condition, in addition to those conditions as agreed with the licensing enforcement authority to: promote the prevention of crime and disorder, and the protection of children from harm objectives in the Act.

A.	Modification of hours – Alcohol	<p>The hours for the sale of alcohol (for consumption off the premises) shall apply as follows:</p> <p>17.30 hours until 12:00 midnight (Monday to Friday)</p> <p>11:00 hours until 12:00 midnight (Saturday to Sunday)</p>
B.	Opening hours	<p>The premises to remain open to the public as follows:</p> <p>06:00 hours until 12:00 midnight (Monday to Sunday)</p>

The reason for granting the modified application (a reduction in the licensable hours from 11:00 hours to 17:30 hours on Monday to Friday) as submitted during the hearing by the applicant's agent in response to a comment from the local Councillor for Stirchley, was in light of the totality of issues presented by other persons.

Members noted the head teacher of Cotteridge Primary School had concerns about the sale of alcohol before 17:30 hours, a time when primary aged children stayed on site. The head teacher described some parents present on site to collect their children were intoxicated, and feared the situation would increase in the summer months as a result of the off-licence in such close proximity to the school. Further the school was surrounded by a few local businesses whose retail nature was considered to be un-healthy for young children.

The Sub Committee weighed up the local Councillor's concerns and fears based on the supporting crime maps and crime figures for the neighbourhood in her written representation, but found none of these could be substantiated. There were no recordings of alcohol related crime in connection with licensed premises or as an influencing factor in the recorded offences for Members to consider and assess. The local Councillor did however indicate a variation of hours could be acceptable.

Members therefore determined in light of the applicant's agreed conditions with a responsible authority, Licensing Enforcement, together with the offer of reduced licensable hours would overcome the concerns of the head teacher, and enhance the protection of children from harm licensing objective.

However, one unforeseen consequence of the reduced licensable hours on offer required the attention of Members. The Sub Committee were mindful of the alcohol being on display from when the premises are open i.e. 06:00 hours when not authorised for sale, until later in the day from 17:30pm to 12:00 midnight, Monday to Friday. Members determined it would be inappropriate for all alcohol within the trading area to be on view, and as such felt the following condition is added to the grant of the licence to prevent access to the alcohol by customers.

C. Display of Alcohol

The licence holder shall ensure that at times when the premises are open but alcohol is not for sale that alcohol is not on view and is covered by lockable blinds or shutters

The Sub-Committee considers the conditions imposed to be appropriate, reasonable and proportionate to address concerns raised.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application, the written representations received and the submissions made at the hearing by the applicant and agent and those making representations.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

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Customer Notice

The sale of alcohol is restricted to the
hours of;

Mon - Fri: 17.30 - 00.00
Sat - Sun: 11.00 - 00.00

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Dear PC 4075 Rohoman,

Re: Eden Manna Supermarket Limited, 122 Frances Road, Birmingham, B30 3DX

At your request, we have searched for a copy of the previous CCTV, it is however with regret that we write to inform you that we have not been able to locate the same.

As previously stated, we have had to replace the CCTV in the store as we had been unable to review the old CCTV due to technical issues. Several attempts were made to contact the company who had install the CCTV in order to resolve this issue, however this was unsuccessful, and we were not able to get this resolved. Therefore, we have had to replace the CCTV and it appear the old one has been misplaced and we cannot locate it. However, should we have sight of this, we will of course revert back to you.

Yours sincerely

Boniface Lumumba

Director

Crime Report

Event Details

Crime Number	20BW/3315L/20
Offence	BURGLARY BUSINESS AND COMMUNITY
Date Record Created	04/01/2020
Date Between	04/01/2020 and 04/01/2020
Time Between	13:10 13:30

Location Details

Offence Location	122 EDEN MANNA SUPERMARKET LTD FRANCES ROAD BIRMINGHAM B30 3DX
District	COTTERIDGE
Location Description	SUPERMARKET

MO Notes

LOG 1470 4/1/20 - UNKNOWN PERSONS HAVE THROWN A PIECE OF MASONERY THROUGH THE BOTTOM PANEL OF DOUBLE GLAZED DOOR. ENTRY GAINED, ITS TAKEN FROM STOCK DISPLAY WHICH INCLUDED £2000 OF VODKA AND £2000 OF CIGARETTES. OFFENDERS MADE GOOD ESCAPE EGRESS AS ENTRY.

Person 1					
Role	Reference Nr	Surname	Forename(s)	DOB	Age at Crime
PERSON REPORTING OFFENCE	View Details	LUMUMBA	BONIFACE		

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OFFICIAL – (when complete)

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN

Statement of Geoff Williams

Age if under 18 ☐ '18 (if over 18 insert "over 18")

Occupation Police Constable 4372

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature  (witness)

Date 25/06/20

Tick if witness evidence is visually recorded ☐ (supply witness details on rear)


I am making this statement in relation to the investigation of crime report 20BW/3315L/20.

The victim in this report is Boniface Lumumba who reported a burglary at Eden Manna Supermarket on 04/01/20.

This report was not supplied with any CCTV from within the shop.

During my investigation, I spoke with the victim over the phone, in particular regarding CCTV. The victim at no point made me aware of any footage from within the shop premises. The only CCTV I had from this investigation were from other nearby locations and were recordings made on the victims mobile phone playing the footage from a screen recording.

Having read the investigation portal prior to myself handling the report, the attending officers state that there is no CCTV covering the offence, but there is a single camera inside the shop that exists but is pointing at a wall and is of no use.

Signature 

Signature witnessed by

03/2016

OFFICIAL – (when complete)

