

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 26 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 – GRANT AFRICAN VILLAGE, 2 BARKER STREET, LOZELLS, BIRMINGHAM, B19 1EL

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 C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 26th August 2020
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	African Village, 2 Barker Street, Lozells, Birmingham, B19 1EL
Ward affected:	Lozells
Contact Officer:	Bhapinder Nandhra, Senior Licensing Officer, licensing@birmingham.gov.uk

1. Purpose of report:

To consider representations that have been made in respect of an application for a Premises Licence which initially sought to permit the Sale of Alcohol (for consumption on the premises only) to operate from 1:00pm until 11:30pm (Monday to Thursday) and 1:00pm until 12:00midnight (Friday to Sunday).

The provision of Regulated Entertainment consisting recorded music, to operate indoors only, from 1:00pm until 11:30pm (Monday to Thursday) and 1:00pm until 12:00midnight (Friday to Sunday).

To permit the provision of Late Night Refreshment, to operate indoors only, from 11:00pm until 11:30pm (Monday to Thursday) and 11:00pm until 12:00midnight (Friday to Sunday).

Premises to remain open to the public from 1:00pm until 11:30pm (Monday to Thursday) and 1:00pm until 12:00midnight (Friday to Sunday).

After discussions with Environmental Health, the applicant has agreed to amend the scope of the application. The applicant has agreed to remove recorded music and to amend all of the hours under the application to terminate at 11:30pm.

2. Recommendation:

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

3. Brief Summary of Report:

An application for a Premises Licence was received on 6th July 2020 in respect of African Village, 2 Barker Street, Lozells, Birmingham, B19 1EL.

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:

Simeon Aguh applied on 6th July 2020 for the grant of a Premises Licence for African Village, 2 Barker Street, Lozells, Birmingham, B19 1EL.

Representations have been received from other persons. See Appendices 1 – 3.

The application is attached at Appendix 4.

Conditions have been agreed with Environmental Health and the applicant, which are attached at Appendix 5.

Conditions have been agreed with Birmingham City Council Licensing Enforcement and the applicant, which are 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 Environmental Health, Appendix 5

Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 6

Site Location Plans, Appendix 7

7. Options available

To Grant the licence in accordance with the application.

To Reject the application.

To Grant the licence subject to conditions modified to such an extent as considered appropriate.

Exclude from the licence any of the licensable activities to which the application relates.

Refuse to specify a person in the licence as the premises supervisor.



COUNCILLOR WASEEM ZAFFAR M.B.E., J.P.
Cabinet Member for Cabinet Member for Transport &
Environment
Councillor for Lozells Ward
Council House, Victoria Square,
Birmingham B1 1BB
[REDACTED]

Birmingham City Council Licensing Department
By Email: licensing@birmingham.gov.uk

2nd August 2020

Dear Sir/Madam,

Re: Objection to Licensing Application 115725 - 2 Barker St, Lozells, Birmingham, B19 1EL

I am formally writing to object to the licensing application 115725 made to Birmingham City Council for the premises at 2 Barker Street, Birmingham, B19 1EL in the Lozells Ward which I represent as a local councillor.

I fully support the sentiment of the local community who stand united in objection with 430 local residents having signed an online petition against this application: https://www.change.org/p/birmingham-city-council-remove-bar-licence-within-a-residential-area?recruiter=1111352358&utm_source=share_petition&utm_campaign=petition_show&utm_medium=whatsapp&utm_content=washarecopy_22652677_en-GB%3Av3&recruited_by_id=e2012cc0-a7d2-11ea-beac-0b1e30776e8b

Prior to the 2018 boundary changes, I served as the local Councillor for Lozells & East Handsworth Ward where the applicant served as the Designated Premises Licence Holder for the African Village Restaurant & Bar at the old Crown & Cushion Site, Birchfield Road, Perry Barr.

I clearly recall the many complaints of anti social behaviour that were forthcoming on a regular basis from local residents, particularly the Birchfield Neighbourhood Forum representatives.

Due to their track record, I have absolute no confidence in those submitting the application and fear that if this license was to be approved for the extension of operating hours and an alcohol license, the residents of Lozells, particularly those living on Barker St would face issues around the prevention of crime and disorder, public safety and the prevention of public nuisance.

Only a few months back, after a long campaign led by the local residents and supported by West Midlands Police, the Licensing Committee revoked a public house license on the other end of Barker St, a few hundreds yards away from these premises.

Whilst it would be incorrect of me to link the two premises as there is no direct link, I fear that the environment created at the other end of the road, which had a huge impact on the quality of life for the local residents, would be repeated.

The relief that many residents felt from the revoking of that license has been followed by fear and disbelief that the situation could reappear.

There is a strong risk, as was the case at the Birchfield Road site, the premises would not be able to cater for the demand and their customers would spill on to the streets whilst consuming alcohol. This would lead to anti social behaviour and also have an impact on community cohesion.

Over the years, there has been a real issue of house parties spilling over until the early hours of the morning and attracting hundreds of people parking illegally and partying on the streets of Lozells. There has been parties which have occurred only recently in Lozells during the Covid pandemic that both Birmingham City Council and West Midlands Police have had to deal with.

A similar environment existed at the Birchfield Road site of African Village where loud music and alcohol consumption led to anti social behaviour. The repeat of this environment in Lozells would generate anti social behaviour, crime and disorder and public nuisance.

There is no off road parking that customers could access and this will lead to illegal parking creating an unsafe environment. Over the past few days, I have noticed vehicles parked on the pavement between the restaurant and the railing as well as a vehicle parked right on the very busy four way junction.

Over the years, this small shopping parade has attracted a variety of outlets, and at times over the years, it has been a problematic parade that has attracted anti social behaviour and criminal activity. Whilst currently, it is far from perfect, it has been a lot worse. We fear that a late opening license at this junction along with an alcohol license would re-attract similar problems of the past.

Finally, I want to make it very clear. I fully support local business and welcome that the restaurant is opening at this site and particularly welcome the diversity to the food offer that will be available in the community which is vital for the local economy and the identity of Lozells.

However, the extra opening hours and sale of alcohol would be detrimental to local residents who live yards away from these premises and I would respectfully ask the licensing committee to reject this application.

For any further information, please do not hesitate to contact me. Thank you.

Best wishes,



Councillor Waseem Zaffar MBE JP
Lozells Ward

From:
Sent: 02 August 2020 20:59
To: Licensing
Subject: licensing application number 115725

Dear sir / madam

We strongly object to this application our children already currently suffer from the pub and the loud music and anti social behaviour. The drink and drugs is ridiculous which you have failed to address and sincerely hope and pray you do not subject our children to more harm

From:
Sent: 02 August 2020 21:07
To: Licensing
Subject: Application number 115725 African village

To whom it may concern

I object to licence application as noted above as this will have detrimental effect on the entire family community and local residents living there and will increase antisocial behaviour and criminal activity unnecessarily and must stop this licence application proceeding any further.

Regards



Birmingham
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

☒ Applying as an individual

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

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text" value="African Village"/>
* Street	<input type="text" value="No 2 Barker Street"/>
District	<input type="text"/>
* City or town	<input type="text" value="Lozells"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="B19 1EL"/>
* Country	<input type="text" value="United Kingdom"/>

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PREMISES DETAILS

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

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	<input type="text" value="2"/>
Street	<input type="text" value="Barker Street"/>
District	<input type="text"/>
City or town	<input type="text" value="Lozells"/>
County or administrative area	<input type="text" value="West Midlands"/>
Postcode	<input type="text" value="B19 1EL"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text" value="REDACTED"/>
Non-domestic rateable value of premises (£)	<input type="text" value="0"/>

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

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

- ☒ Yes ☐ No

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

First name

Family name

Is the applicant 18 years of age or older?

- ☒ Yes ☐ No

Continued from previous page...

Current Residential Address

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

☐ Yes

☒ No

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

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

☒ Yes

☐ No

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

E-mail

Telephone number

Other telephone number

* Date of birth

* Nationality

Documents that demonstrate entitlement to work in the UK
Right to work share code if not submitting scanned documents

Right to work share code

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

dd mm yyyy

Provide a general description of the premises

Continued from previous page...

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

The plan of premises is hereby attached. The premises is an African restaurant where african dishes are made available for the public. It would include sale of alcohol to customers to take with there food in the premises.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

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PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

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PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes ☒ No

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PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing recorded music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

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

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

☒ Indoors ☐ Outdoors ☐ Both

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

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

It would be unamplified music to be played as background music in the premises.

State any seasonal variations for playing recorded music

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

Continued from previous page...

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

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

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes ☒ No

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

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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

Continued from previous page...

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

☒ Indoors

☐ Outdoors

☐ Both

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

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

State any seasonal variations

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

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

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

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Continued from previous page...

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

☒ On the premises

☐ Off the premises

☐ Both

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

State any seasonal variations

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

Continued from previous page...

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

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

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

Name

First name

Family name

Date of birth

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

Continued from previous page...

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

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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

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

No adult entertainment

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 13:00

End 23:30

Start 13:00

End 23:30

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

TUESDAY

Start 13:00

End 23:30

Start 13:00

End 23:30

WEDNESDAY

Start 13:00

End 23:30

Start 13:00

End 23:30

THURSDAY

Start 13:00

End 23:30

Start 13:00

End 23:30

FRIDAY

Start 13:00

End 24:00

Start 13:00

End 24:00

SATURDAY

Start 13:00

End 24:00

Start 13:00

End 24:00

Continued from previous page...

SUNDAY

Start 13:00

End 24:00

Start 13:00

End 24:00

State any seasonal variations

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

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

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

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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.

I will adhere to any conditions set out by the council in compliance with the premises licence. Any criminal offence and or anti social behaviour will be reported to the police

b) The prevention of crime and disorder

I am experienced in running this kind of business outfit and I have in place a contract with a security company to supply security personnel (with SIA badges) for the premises at the relevant designated times mentioned above.

c) Public safety

All Covid 19 measures are in place and staff are trained to comply with any changes. For now 2 meter distancing has to be observed, sanitizers are where they are supposed to be with the appropriate information on COVID 19. Notices regarding ingredients of food, alerting the customers should there be issues of allergies. In relation to fire issues and the necessary steps have been taken in relation to fire extinguishers, fire awareness and fire issues should be reported to the fire service first. Anyone hurt or any accident would be noted in the incident book. First aid measures are readily available and if need be they will be referred to the appropriate channels.

d) The prevention of public nuisance

I will take responsibility and dealing with public nuisance. As I noted earlier I am experienced in the field. I will keep the

Continued from previous page...

windows and doors closed during regulated entertainment, place notices at entrance and exit to remind customers to leave quietly, play light music and move speakers away from walls adjacent to residential properties, Keep rubbish bins and glass refuse at the rear of the building, put a bin outside the entrance of the premises. Will provide customers of the public car park information, provide notices advising customers not to park in residents driveways and not to block the highway. Possibly regular meeting with residents. In relation to the smoke, the kitchen chimney is in place and there will be no concerns whatsoever. Any other order the council deems appropriate not covered will be adhered to accordingly

e) The protection of children from harm

If there is any need restrict when the children are allowed in the premises particularly from 9:00pm. Staff trained in checking customers ages by only accepting the following PASSPORTS, DRIVING LICENSE and CITIZEN CARD. Keeping refusal book on premises where staff can record details of everyone refused alcohol. Further any other order the council deems fit will be adhered to if not covered by the above

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/Immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at <https://www.tax.service.gov.uk/business-rates-find/search>

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

100.00

DECLARATION

Continued from previous page...

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE

- * ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15).

THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS

- * PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

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

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

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

[Add another signatory](#)

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

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

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

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

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

From: Martin Key
Sent: 31 July 2020 15:36
To: Licensing
Cc: The Village
Subject: RE: Premises Licence - African Village ; 2 Barker Street

Hi

I am responding on behalf of environmental health as a responsible authority in respect of the above licensing application. Following a review of the application and a conversation with the applicant when I raised some concerns and outlined my intent to make a representation, the applicant has agreed to amend the application to remove recorded music and reduce the requested hours to 23.30 for all activities and also inclusion of a condition 'Background music shall be inaudible outside the premises'. The email below confirms such acceptance. On the basis of the revision to the application and the inclusion of the agreed condition I have no objection.

Best Regards

Martin Key
Environmental Protection Officer

Environmental Health | Regulation & Enforcement Division

✉: Environmental Health, Manor House, PO Box 16977, Birmingham, B2 2AE
(Office Site: Environmental Protection, 1st Floor, 40 Moat Lane, Birmingham, B5 5BD)

💻: www.birmingham.gov.uk/eh | Facebook: ehbbham | Twitter: @ehbbham

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

🌱 Please consider the environment before printing this email

From: The Village
Sent: 31 July 2020 10:40
To: Martin Key
Subject: Re: Premises Licence - African Village ; 2 Barker Street

Hi Martin

I can confirm i agree to remove the requested recorded music from the application and agree to a condition that states **background music shall be inaudible outside the premises**
And i agree to amend all of the hours under the application to terminate at 23:30

Kind Regard

From: The Village
Date: Mon, 27 Jul 2020 15:51
To: Sharon Watts
Subject: Re: Grant - Premises Licence, African Village, 2 Barker Street, Lozells, B19 1EL
Good afternoon Sharon

I can confirm that i accept all the conditions and will do my best to meet up with all the demands

Kind Regards

On Mon, Jul 27, 2020 at 3:17 PM Sharon Watts wrote:
Good afternoon Simeon

I have looked at the conditions that you have proposed for the above.

I would like to suggest the following are added:-

Prevention of Crime and Disorder

All staff responsible for selling alcohol will be trained on the 4 licensing objectives. Training records will be documented, kept on site and produced to an authorised person upon request. Refresher training will be provided every 6 months.

Protection of children from harm

No children will be allowed on the premises after 21:00 hours unless accompanied by an adult.

A Challenge 25 scheme shall be in operation at the premises. Challenge 25 signage shall be displayed on the premises.

Prevention of public nuisance

When recorded music is taking place, the DPS shall undertake regular monitoring of noise levels. A record shall be kept of any monitoring carried out (date, time, location of monitoring, action taken if necessary). Records to be kept for at least 6 months and produced to an authorised person upon request.

No noise shall emanate from the premises which may give rise to a nuisance.

Public Safety

All door staff shall be SIA registered. Door supervisor profiles containing name, address, dob, Sia badge number, national insurance number, start date of employment, end date of employment shall be kept on site and produced to an authorised person upon request. A log shall also be kept for each door supervisor which provides the date, start and finish times each supervisor is on duty. Records must be kept for at least 6 months and produced to an authorised person upon request.

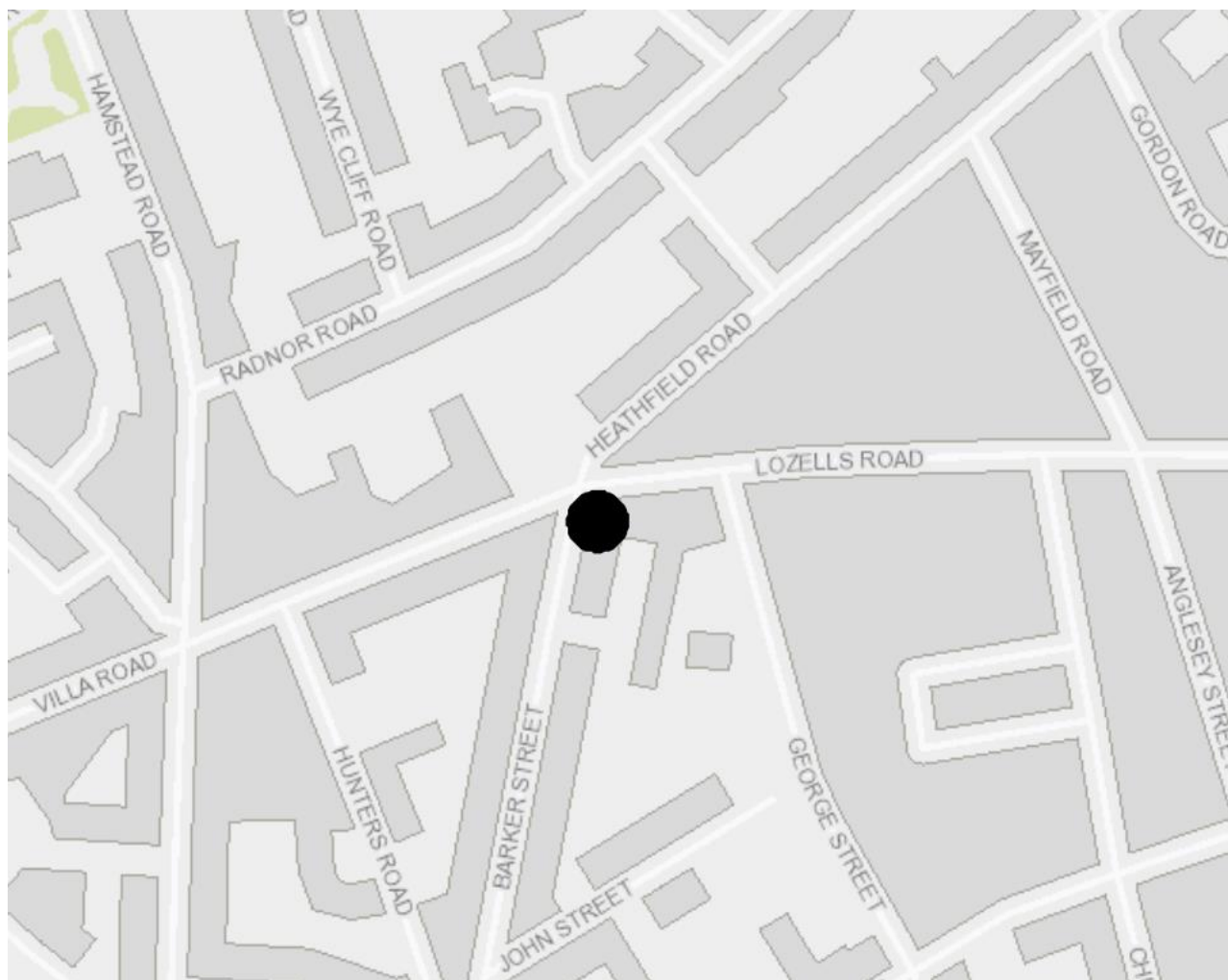
An incident book shall be kept on the premises and be made available to an authorised person upon request.

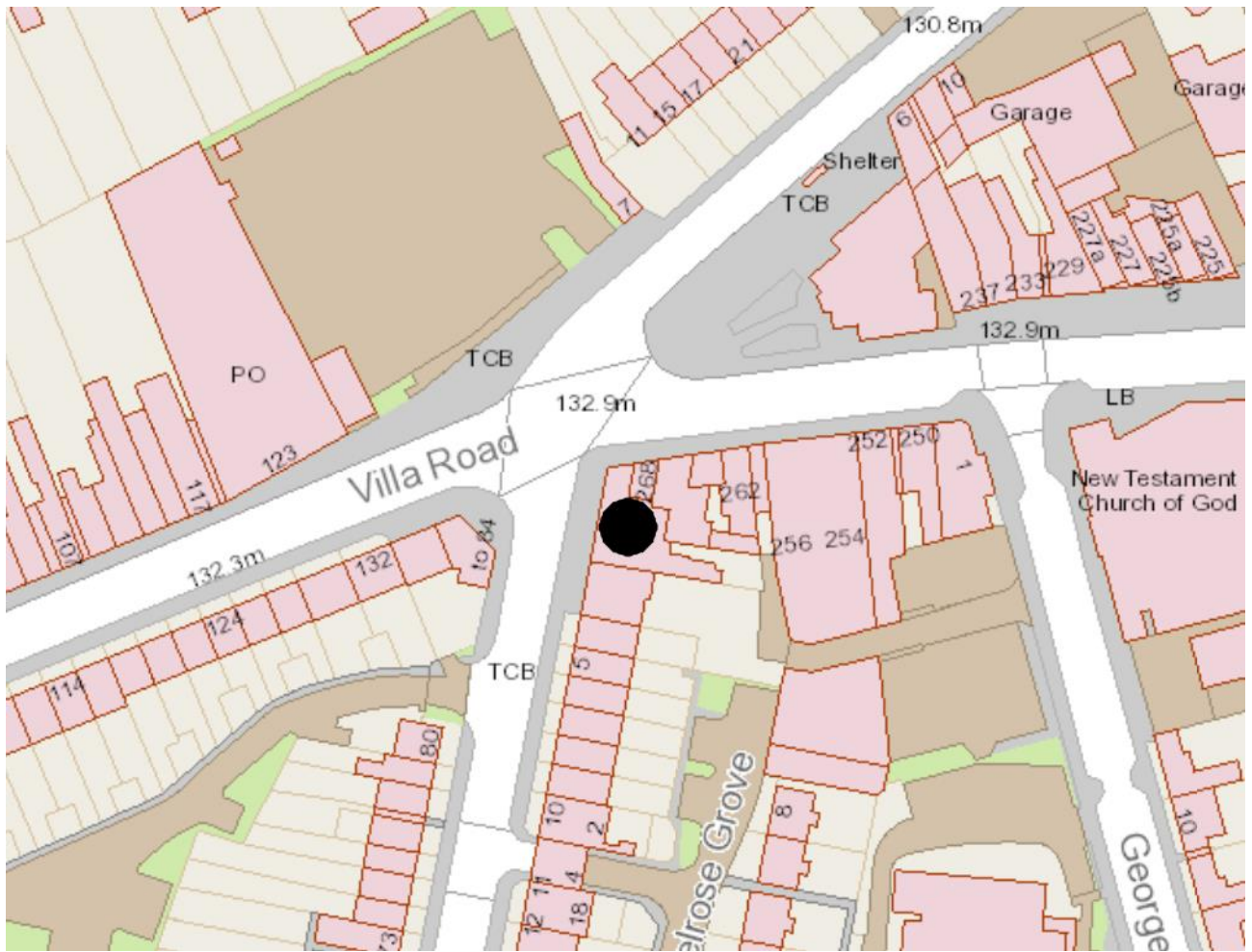
Please can you confirm by return email that you accept these conditions?

Kind regards

Sharon Watts

Licensing Enforcement Officer





**IN THE MATTER OF THE LICENSING SUBCOMMITTEE
AND IN THE MATTER OF LICENSING APPLICATION 115725**

I **Simeon Aguh** in my capacity as proprietor of the African Village , in support of the instant application and in response to the objection raised will say as follows:

1. I note that the signatories to the petition, as a matter of fact, do predate the application and as this Committee is aware, this renders them invalid and as such cannot not be admitted.
2. I turn therefore to the core of the objections as contained in the letter (2.8.20) of objection under the signature of Councillor Zaffar. He does raise two key points of concern as I understand them. These are (a) he is of the view that there will be anti-social behaviour caused by patrons who would have consumed alcohol and (b) there would not be adequate parking. In support of point (a) he submits that this was an issue at a night club "The African Village" that I once had control over which was located on Birchfield Road and additionally he does make reference to the revocation of license that was granted to a Public House which is at the other end of Baker Street from my establishment.
3. It is important, in my view, for this Committee to appreciate as a starter that what I operated at Birchfield Road, and the record supports this, was a night club. The patrons and the closing hours are markedly different to the hours of operation in my restaurant for which I have made an application. In that the Club went beyond 23:00hrs as it closed at 02:00. Secondly and perhaps more substantively, it is incorrect, in the absence of evidence, to assert that there was a history of complaints from residents. I say this because these were never brought to my attention and based on what is being asserted by Mr Zaffar, there were numerous as opposed to sporadic or one-off complaints. There is no reason why these would not have been brought to my attention by the responsible body/agency and I am therefore requesting that this Committee does dismiss such an assertion.
4. In fact to the extent that this is relevant it is my contention that for the period that I operated that entity (2016-19) as a matter of public record, the local Police might have

only had reason to visit the venue twice, and these were on occasions when I called the Police because of concerns that I would have had.

5. I do have an exemplary history of operating venues and this is a relevant factor that should be taken into consideration which is contrary to the impression that is being advanced by objector. I note that there certainly have not been any objections from the local Police. It is my view and as this Committee is very much aware, if the antecedent concerns as expressed by the Councillor were as he said they were, I think it is a reasonable expectation that the Local Police would have expressed its concerns directly or indirectly, but to date we have no such objection and equally there is no evidence emanating from the Council's own data base supportive of the narrative that is being advanced.
6. Then there is the reference that is being made to the unconnected revocation in respect of the Public House that was once operating from a location that is at the other end of Baker Street. Quite naturally the Committee will note that the facts of that case, which is not before you is different to the facts of my own application or my experience. It is not a factor that should be taken into consideration and I would say that it would be unfair to do so, even generally which seems to be what the Councillor intends.
7. It is important to note, I would say, that the exit door for the venue leads to a section/road which is purely commercial and I have intentionally kept it so because I am mindful of the fact that I am obliged as a responsible operator to take measures to ensure that I reduce any risks of disturbance and this explains the decision to have the exit door located where it is. However, whatever the circumstance that obtained at the Public House to which is referenced is made I cannot comment on what was done or what obtained at that property. I cannot and will not comment on the assertion that there have been house parties in the area since the pandemic as it is not said, by the Councillor, that I was involved in those things, which could not be said.
8. Then there is the issue of parking. It is said that there does not exist any off street parking. It is correct that there is no off street parking immediately adjacent to the premises. However, I have negotiated an agreement with the owners of premises not too far away from the site and I would contend that the concerns, though seemingly

legitimate, is not one that I have been unmindful of and to that extent I have taken steps to plan for. The Councillor says that he has seen vehicles parked on the pavement. If he is making a general point about parking in the area, then this is not an issue that I can comment on, save to say that as the Committee from its own experience would be aware, there is never adequate parking per se throughout the City and as such patrons are relied on to observe the law failing which the effect of the law will come into play. This is a vicinity where there are other commercial entities with operating hours which are in the day to afternoon, as opposed to the hours of operation of my entity as contemplated by the application.

9. It is also said by the Councillor that he has, most recently, seen vehicles parked in the vicinity of the restaurant. He has not provided any actual evidence that I have seen to support what he is saying and I must reject the implication that he is making, which is that these cars (if there were actually there) belonged to persons who were my patrons. Without more I cannot effectively respond to this and it would be unfair for this Committee to use a mere assertion which is free from important evidence, to use that assertion to arrive at an adverse decision in response to my application. I would love to think that it would require more detail, such as time of day when the observation was made, the duration over which the observation was made. These are important matters and it appears to me that the Councillor is expecting this Committee to arrive at a decision on a crucial issue based on assertions as opposed to evidence. I inform my patrons of the necessity and importance of observing the parking/no parking signs. I am willing to give an undertaking to place signs throughout the property to remind patrons of their obligation to park only where they are allowed. This in my mind would meet the concerns that the Committee itself might have given the fact that I must accept that some persons who will use the facility will be drivers and they will drive to the premises.
10. Then I turn to the expressed fear that somehow if you grant the license requested the area will re-attract persons who are criminals and that it would somehow contribute to an uptick in anti-social behaviour in the area. It is a Restaurant that I operate and not a place that encourages and caters to criminals. This implication and generalization should be rejected as the existence of my restaurant and possessing a liquor license are not synonymous to anti-social behaviour or criminal actions. I appreciate that persons who are intoxicated can be prone to anti-social behaviour, but if we were to jump from that

fact to one that says it means that there would be an automatic increase in criminal activity or even anti-social behaviour, there would be no liquor license granted.

11. In the light of what has been said herein and what will be said on my behalf, I am inviting this Committee to grant the license being granted.

I Simeon Aguh make this statement knowing that the fact stated are true.

A black rectangular redaction mark covering the signature of Simeon Aguh.

Simeon Aguh

21.8.20