

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 26th October 2016
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Appetizing Delights, 109 Witton Lodge Road, Perry Common, Birmingham, B23 5JD
Ward affected:	Kingstanding
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have been made in respect of an application for a Premises Licence which seeks to permit the Sale of Alcohol (for consumption on the premises) to operate from 12:00midday until 11:00pm (Monday & Tuesday), 6:00pm until 11:00pm (Wednesday), 12:00midday until 11:00pm (Thursday), 12:00midday until 12:00midnight (Friday & Saturday) and 2:00pm until 6:00pm (Sunday).

The application initially sought to permit the provision of Regulated Entertainment consisting of live music and recorded music, to operate during the times stated in the application form.

However, as a result of discussions with Environmental Health, the applicant has agreed to remove the provision of live and recorded music from the scope of the application. Since the Act was introduced the Government has deregulated certain parts, particularly in relation to Live Music.

To permit the provision of Late Night Refreshment to operate from 11:00pm until 12:00midnight (Friday & Saturday).

Premises to remain open to the public from 12:00midday until 11:00pm (Monday, Tuesday & Thursday), 6:00pm until 11:00pm (Wednesday), 12:00midday until 12:00midnight (Friday & Saturday) and 2:00pm until 6:00pm (Sunday).

2. Recommendation:

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

3. Brief Summary of Report:

An application for a Premises Licence was received on 7th September 2016 in respect of Appetizing Delights, 109 Witton Lodge Road, Perry Common, Birmingham, B23 5JD.

Representations have been received from other persons.

4. Compliance Issues:
4.1 Consistency with relevant Council Policies, Plans or Strategies:
<p>The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.</p>
5. Relevant background/chronology of key events:
<p>Appetizing Delights Ltd applied on 7th September 2016 for the grant of a Premises Licence for Appetizing Delights, 109 Witton Lodge Road, Perry Common, Birmingham, B23 5JD.</p> <p>Representations have been received from other persons. See Appendices 1 – 8.</p> <p>The application is attached at Appendix 9.</p> <p>Following discussions with Environmental Health the applicant has removed the provision of live and recorded music from the scope of the application. See Appendix 10.</p> <p>Conditions have been agreed with Birmingham City Council Licensing Enforcement and the applicant, which are attached at Appendix 11.</p> <p>Site Location Plans at Appendix 12.</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> <ol style="list-style-type: none"> The prevention of crime and disorder; Public safety; The prevention of public nuisance; and The protection of children from harm.
6. List of background documents:
<p>Copy of the representations as detailed in Appendices 1 – 8</p> <p>Application Form, Appendix 9</p> <p>Modification of application as agreed with Environmental Health, Appendix 10</p> <p>Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 11</p> <p>Site Location Plans, Appendix 12</p>
7. Options available
<p>To Grant the licence in accordance with the application.</p> <p>To Reject the application.</p> <p>To Grant the licence subject to conditions modified to such an extent as considered appropriate.</p> <p>Exclude from the licence any of the licensable activities to which the application relates.</p> <p>Refuse to specify a person in the licence as the premises supervisor.</p>

Appendix 1

To Whom it May Concern

I am writing to you regards the proposed licencing for live music and an alcohol license at 109 Witton Lodge Road B23 5JD.

I am objecting to the above on the grounds of prevention of public nuisance, I feel live music till 12:00am would cause lots of noise and disruption in our community. I live in a nearby street with an average total of 40 elderly residents over the age of 65+, the majority of them have a range of different needs and abilities. In addition, I feel that the licencing of alcohol will cause more disruption and could lead to antisocial behaviour, drunken behaviour and put public safety at risk. In the past we have had crowds of drunk people urinating and causing disruption within our cul de sac. I also feel the increase in cars parking in the vicinity could cause lots of trouble as it is a very limited area.

Thank You

Phoernax Rise

Perry Common

B23

BCC	
REGULATION & ENFORCEMENT	
LICENSING SECTION	
DATE RECEIVED	
REF NO	Entered
INITIALS	W

Appendix 2

ENTERED BY

From:
Sent: 18 September 2016 14:25
To: Licensing
Subject: Application Ref 98564 Appetizing Delights Ltd

We the under named understand that an application has gone forward for the above premises for analcohol and music license.

We are totally in disagreement with this proposal... Points against:

1. We do not wish to have loud music playing late at night
2. Noise from the customers when leaving leaving the premises... Taxis collecting customers, car doors banging
- 3 It will entice large groups of youths to area causing trouble to the neighbourhood, which we do not want.
4. Alcohol causes trouble and violence which we do not want in our peaceful residential area

Regards

Witton Lodge Road
Perry Common
Birmingham
B23

Appendix 3

ENTERED RJ

To Whom it May Concern

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Thank You

Phoernax Rise

Perry Common

B23

Appendix 4

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Thank You

Phoernax Rise

Perry Common

B23

BCC	
REGULATION & ENFORCEMENT	
LICENSING SECTION	
DATE RECEIVED	
REF NO	ENTERED
INITIALS	W

Appendix 5

Entered RJ

From:
Sent: 19 September 2016 12:16
To: Licensing
Subject: Application 98564

Importance: High

Dear Sir

I am writing on behalf of my father Woodsome Grove, where it has come to his attention his via neighbours, not the council, that this particular venue has applied for a music and alcohol licence.

There are a lot of elderly residents adjacent to this restaurant (Appetising Delights) and don't think it would be appropriate for live music and the serving of alcohol in this area especially till midnight! He thinks it would be too noisy and degenerate the area making it feel less safe.

I hope you can look into this and give consideration to the local residents in this instance.

Thank You

Kind Regards

Appendix 6

Entered RJ

From:
Sent: 21 September 2016 08:50
To: Licensing
Subject: Appetising Delights Ltd restaurant, 109 Witton Lodge Rd, on the ring,

Application Ref: 98564

Sent from my iPad. Dear Sir, I am writing to tell you that I am completely against the above premises being given a licence to serve alcohol & play live & recorded music up till twelve o'clock on Saturdays. I am concerned that giving a licence to the above premises will cause more disturbance & litter late at night that we have to put up with from all the other shops on the ring.
yours faithfully,

Appendix 7

ENTERED
R

From:
Sent: 25 September 2016 16:52
To: Licensing
Subject: Application Ref 98564

To whom it may concern,

I am sending this email on my daughters address as I do not have email.

My name is I live at Lapwing Croft, Perry Common
B23

The reason for my email is to put in writing my concern regarding the proposal from Appertizing Delights Ltd Restaurant to apply for an alcohol and music license.

I have nothing against people earning a living but feel this is going to cause me a lot of stress.

The Croft I live in is home to elderly people like myself, as is Sycamore court nearby which is a 'warden controlled' home.

I am 74 years old and not in the best of health. I am disabled so am not able to go out much.

Add to this the fact that the rear of Appertizing Delights restaurant backs onto my garden.

I go to bed quite early and would be unable to sleep if music was being played loudly at 11pm (weekdays) and 12 midnight at weekends.

As for the alcohol licence this doesn't concern me too much as I understand restaurants need a license to be able to offer drinks to customers while they have food.

Thank you for taking the time to read my comments and concerns and understand my refusal to think this application is a good idea.

Appendix 8

From: Councillor Des S Hughes
Sent: Tuesday, October 04, 2016 6:24 PM
To: Licensing
Subject: RE: Licensing Application - App Ref: 98564 Appetizing Delights, 109 Witton Lodge Road, Perry Common, Birmingham B23 5JD

David

Having been approached by a number of residents, I would like to object to the granting of a license for alcohol and live and recorded music.

I don't think any consideration has been given to the prevention of public nuisance for local residents. This part of Witton Lodge Road is a shopping/residential area.

There is no regard for the level of noise that might be produced, particularly by live music, and no mitigations that would help ensure that local residents can continue

quietly enjoy the property where they live, without noise and nuisance.

Regards

Des Hughes
Councillor, Kingstanding Ward

Appendix 9

APP REF: 98564

REP START 08/09/2016
REP END: 05/10/2016

[Insert name and address of relevant licensing authority and its reference number (optional).]

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Appetizing Delights Ltd
(insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 109 Witton Lodge Road Perry Common Birmingham B23 5JD			
Post town	Birmingham	Postcode	B23 5JD
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£6,900	

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |

- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Appetizing Delights Ltd
Address C/O Cahinia Accountancy Bank House Hockley Hill Birmingham B18 5AA
Registered number (where applicable) 08542840
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY	
0	3	1	0	2	0
					6

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

DD		MM		YYYY	

Please give a general description of the premises (please read guidance note 1)
Caribbean Restaurant

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur			State any seasonal variations for the exhibition of films (please read guidance note 4)	
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D.

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	12:00	23:00		
Tue	12:00	23:00		
			State any seasonal variations for the performance of live music (please read guidance note 4)	
Wed	18:00	23:00		
Thur	12:00	23:00		
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Fri	12:00	00:00		
Sat	12:00	00:00		
Sun	14:00	18:00		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	12:00	23:00			
Tue	12:00	23:00			
			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed	18:00	23:00			
Thur	12:00	23:00			
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	12:00	00:00			
Sat	12:00	00:00			
Sun	14:00	18:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>			
Mon			<u>Please give further details here</u> (please read guidance note 3)			
Tue						
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both -- please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input checked="checked" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue						
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Thur						
Fri	23:00	00:00				
Sat	23:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)			
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 7)	On the premises <input checked="" type="checkbox"/>
				Off the premises <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Mon	12:00	23:00		
Tue	12:00	23:00		
Wed	18:00	23:00		
Thur	12:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	
Fri	12:00	00:00		
Sat	12:00	00:00		
Sun	14:00	18:00		

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

Name	
Deborah Lorraine Gordon	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).
None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	12:00	23:00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Tue	12:00	23:00	
Wed	18:00	23:00	
Thur	12:00	23:00	
Fri	12:00	00:00	
Sat	12:00	00:00	
Sun	14:00	18:00	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

There is a strong management and security procedures in place which encompass the four licensing objectives as below. The right of admission will be reserved; customers who arrive within 30 minutes of closing time will not be seated for meals. Staffs are trained as appropriate in respect of relevant licensing law. The open nature of the seating area and the position of the lounge and the provision of staff service allow for good viewing coverage of these areas so that good observation and control can be maintained of all licensable activities.

b) The prevention of crime and disorder

Toilet facilities will be checked regularly and at least every two hours.
The supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol
Any person who appears drunk /aggressive will not be permitted on the premises. No bottles or glasses will be taken off the premises.

c) Public safety

Suitable fire extinguishers are in place.
Free drinking water is available to all customers
I will fully support any directives received from the authorities
Will promote clearing of empty glasses throughout operating times
Floor staff will conduct physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the management.
The supervisor is aware of his responsibilities to the staff and customers in respect of public safety and will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations.

d) The prevention of public nuisance

Notices will be displayed at the exit of the premises asking patrons to leave the premises quietly. Will try and conduct all deliveries during daytime to control noise nuisance. In conjunctions with the steps proposed for the prevention of crime and disorder objectives, the staff will at all times remain responsible for the prevention of public nuisance in and around the premises.
The supervisor will arrange to monitor levels from both inside and outside the premises and remedial action will be taken as appropriate.
Doors and windows will be kept closed as deemed necessary by the supervisor.

e) The protection of children from harm

The premises will operate Challenge 25 policy as a minimum in order to ensure that alcohol is sold only to persons of lawful age.
We recognise the importance of protecting children from harm and this is supported by our commitment to health and safety in the operation and maintenance of the premises.
The supervisor and staff will at all times remain aware of their responsibilities under the objective. Staff on duty have been trained and made aware of these requirements and the need to demand an acceptable form of age id. No adult entertainment is permitted at these premises
Any children under the age of 16 remain the responsibility of the accompanying adult when using the premises. Staffs are not allowed to be the sole supervisor of children which remains the responsibility of the accompanying adult at all times. A refusals log will be kept and maintained.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

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

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11).
If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	01/09/2016
Capacity	Agent

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

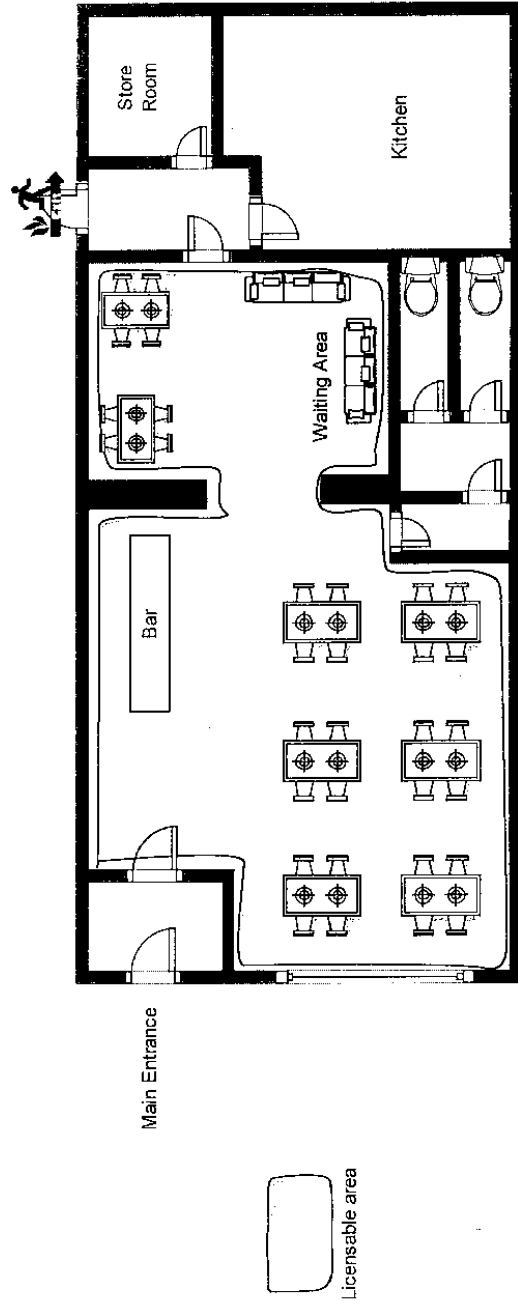
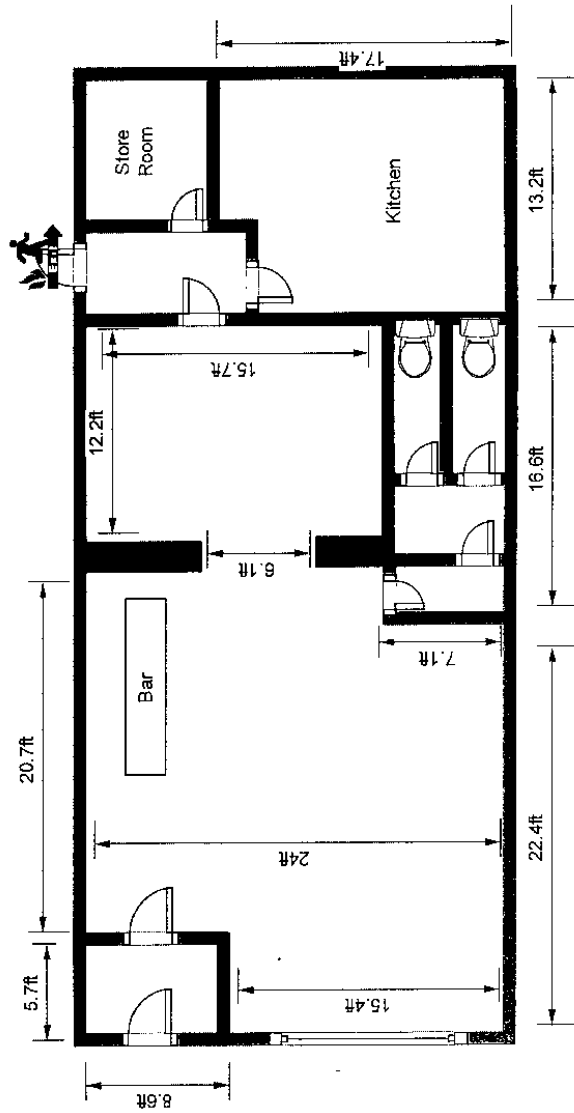
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Optimised Training Centre			
1 Guildford Street			
Birmingham			
B19 2HN			
Post town	Birmingham	Postcode	B19 2HN
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. 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.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Appetizing delights Ltd
 109 Witton Lodge Road
 Perry Common
 Birmingham
 B23 5JD



Floor plan
 Scale: 1:100

Appendix 10

From: Gerg Jambor
Sent: 16 September 2016 09:55
To: Licensing -
Cc:
Subject: RE: premises licence application - appetizing delights, 109 witton lodge road

Dear Licensing

I confirm that subject to the agreement as indicated below (removal of live and recorded music from the operating schedule), as representative of Environmental Health, I have no objection to make regarding the premises licence application at 109 Witton Lodge Rd, Birmingham on grounds of public nuisance.

Please do not hesitate to contact me if you have any questions.

Best Regards,

Mr Gerg Jambor
Environmental Protection Officer
Birmingham City Council
Tel: (0121) 303 9975

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

From: Optimised Training Centre
Sent: Thursday, September 15, 2016 5:49 PM
To: Gerg Jambor
Subject: Re: premises licence application - appetizing delights, 109 witton lodge road

Dear Gerg Jambor

Thank you for your help and advice in this matter, I can confirm that we are happy to have the live and recorded music removed from the application

If you require any further information please do not hesitate to contact me.

Kind regards

Mijanur Rahman

Optimised Training Centre Ltd

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Registered in England, Company No:7021919

Please consider the planet before printing this email

On 15 September 2016 at 14:17:14 +01:00, Gerg Jambor

Dear Mij

Thank you for your call regarding the above. As discussed, I am concerned about the potential for public nuisance with the application as it stands.

You have indicated that the recorded and live music would not normally be more than background to provide ambience for the diners.

Furthermore, the Live Music Act enables smaller licensed premises to provide regulated entertainment between 0800 and 2300 hours without being included on the licence.

I confirm that I will not object to the grant of the application if the live and recorded music aspects are removed from the operating schedule.

Please let me know as soon as possible if this modification is acceptable to you and your client, and I will inform Licensing.

If you wish to discuss nuisance aspects of potential premises licence applications prior to submitting them in the future then please email pollution.team@birmingham.gov.uk with the details and an Officer will be allocated to deal with the inquiry.

Please do not hesitate to contact me if you have any questions.

Best Regards,

From: Christina McCullough
Sent: 04 October 2016 13:50
To: Licensing
Subject: FW: URGENT - Licence Application – Appetizing Delights, 109 Witton Lodge Road, Perry Common, Birmingham. B23 5JD
Attachments: Appetizing Delights.doc

Please find attached the agreed conditions from Licensing Enforcement.

Regards

Christina McCullough
Licensing Enforcement Officer

Birmingham City Council,
Licensing Section,
P.O. Box 17013,
Birmingham,
B6 9ES

www.birmingham.gov.uk/licensing

Twitter: @BCC Licensing

For information on Birmingham Licensed premises including licensed hours, activities and conditions go to <http://publicregister.birmingham.gov.uk>

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

From: Mijanur Rahman
Sent: Tuesday, October 04, 2016 10:13 AM
To: Christina McCullough
Subject: Re: URGENT - Licence Application – Appetizing Delights, 109 Witton Lodge Road, Perry Common, Birmingham. B23 5JD

Dear Christina McCullough,

Thank you for your email. I would like to confirm that we are happy to accept the conditions attached to your email.

If you require any further information please do not hesitate to contact me.

Kind regards

Mr Mijanur Rahman
Managing Director

Appetizing Delights, 109 Witton Lodge Road, Perry Common, Birmingham. B23 5JD

Suggested amendments to proposed conditions of licence.

One of your proposed conditions in relation to children currently reads:

Staff on duty will be trained and made aware of the requirements and the need to demand an acceptable form of age identification. A refusal log will be kept and maintained.

I would propose that this condition be amended to read

All staff will be trained on the 4 licensing objectives, with particular attention to the conditions attached to this licence. All staff will be provided with refresher training annually. All training provided will be recorded in a training register which will be signed by the trainer and trainee. This training register will be made available to any of the responsible authorities immediately on request.

A refusals register will be kept detailing all refusals and will be signed off weekly by the DPS.



Birmingham City Council

Map Created By:

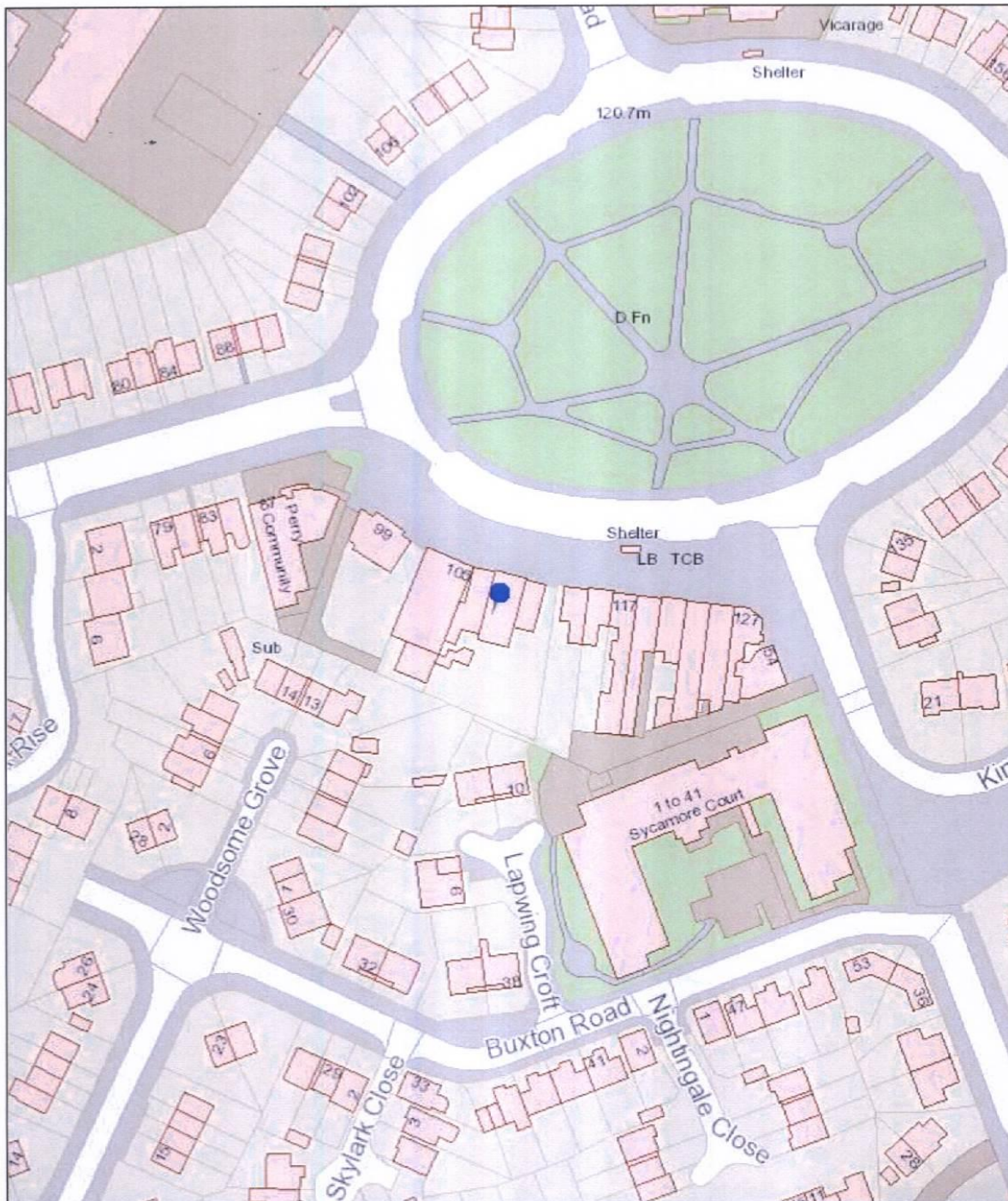
Date of Map Creation: 10/10/2016

Notes



Scale:
1:4,000

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Notes

Date of Map Creation: 10/10/2016



Scale:
1:1,250

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