

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B

TUESDAY, 01 SEPTEMBER 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

Chairman to advise meeting to note 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

4 MINUTES

3 - 12

To confirm and sign the Minutes of the meeting held on 4 August 2020.

5 LICENSING ACT 2003 PREMISES LICENCE – GRANT ROSE
SUPERMARKET, 159 HAGLEY ROAD, EGBASTON, BIRMINGHAM, B16
8UQ

13 - 68

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

6 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

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| LICENSING SUB-COMMITTEE B 4 AUGUST 2020 |
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 4 AUGUST 2020 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Nagina Kauser in the Chair;

Councillors Nicky Brennan and Adam Higgs.

ALSO PRESENT

David Kennedy – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

(Other officers were also present for web streaming purposes but were not actively participating in the meeting)

NOTICE OF RECORDING/WEBCAST

- 1/040820 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/040820 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and 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.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/040820 No apologies were submitted.
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**LICENSING ACT 2003 PREMISES LICENCE – VARIATION - EDEN MANNA
SUPERMARKET, 122 FRANCES ROAD, COTTERIDGE, BIRMINGHAM, B30
3DX**

Report of the Interim Assistant Director of Regulation and Enforcement was submitted:-

(See document No. 1)

On Behalf of the Applicant

Anthony Gregson – Agent – Hospitality Training Solutions
Stacey Lukika – Employee and Applicant's wife.

Those Making Representations

Chris Jones – West Midlands Police (WMP)
Mary Locke – Local Ward Councillor.

* * *

The Chairman introduced the Members and officers present and the Chair asked if there were any preliminary points for the Sub-Committee to consider.

The Chairman then explained the hearing procedure prior to inviting the Licensing Officer, David Kennedy to outline the report.

Afterwards, the Chairman invited the applicant to make their submission. At which stage Anthony Gregson, made the following points on behalf of the applicant: -

- a) That the shop had been trading 17 months and was a vital part of the community; especially during the recent outbreak of Covid-19. The shop provided local residents with daily essentials. The applicant was putting himself at increased risk to ensure the residents felt comfortable and could get their daily essentials.
- b) Since the store had been open, there hadn't been any complaints.
- c) That the location of the premises did not pose a risk to children. Further, other premises close by were able to sell alcohol.
- d) The concerns needed evidencing before the application could be rejected.
- e) The grant application received objections in relation to children and an agreement was made at that hearing to 'show willing' to the local community. Which demonstrated the character of the applicant and his commitment to the area.

- f) The alcohol in the shop had to be kept behind shutters. The reason for the variation was due to the expense of shutters, which meant they had to move the alcohol every day because the applicant could not afford shutters.
- g) The applicant had arthritis in his knee which was making moving the alcohol difficult.
- h) They believed that selling alcohol for the duration of the opening hours would not put children at risk.
- i) Children passed by many shops that sold alcohol on the way to school and would often go and buy sweets from such shops.
- j) They should not be the only shop that has a condition about alcohol not being sold in the morning.
- k) They had stuck by the guidance that was given at the time of the grant application and were not advertising outside even though other premises did.

Chris Jones on behalf of WMP made the following points: -

- a) That the original application last year requested a licence from 11am-midnight 7 days a week and the Committee decided to curtail the hours to 5:30pm-midnight Monday-Friday and 11am-midnight Saturday-Sunday. The initial hours applied for would not have impacted children, yet the Committee noted that the head teacher was concerned about children being vulnerable.
- b) The decision was accepted by the licence holder in that alcohol was not to be on view and must be covered with lockable shutters.
- c) The new application offered some extra conditions regarding CCTV, yet there was already a substantial CCTV condition on the licence.
- d) There was also another offered condition regarding external lighting, yet that did nothing to negate the Committee's concerns.
- e) The condition regarding no advertisements outside the premises also did nothing to negate concerns and alcohol could still be seen through the windows from the pavement.
- f) He attended the premises on 12 June, he was concerned at the amount of alcohol on display at the premises, the details of the visit were at pages 54-65.
- g) None of the alcohol was behind shutters.
- h) When Chris spoke to the PLH (Premises Licence Holder) about the issues he said he knew he was in breach of the conditions, but in mitigation said the shop was too small for the alcohol he had and moving it was therefore not practical.

- i) Due to the concerns WMP requested the CCTV footage, yet they were told the system was broken and they did not have the password either. Another licence condition breach.
- j) The applicant knew the CCTV was not working, but was happy to continue trading even whilst in breach of his licence conditions.
- k) WMP revisited on 15 June to review the CCTV system once they had reset the password and the CCTV was working and had a new hard drive.
- l) WMP asked for the hard drive that was removed and the PLH said he didn't have it; the engineer had taken it. Therefore, they gave the applicant a week to recover the hard drive and they arranged to come back.
- m) The alcohol on that occasion was covered by sheets, but again this was not compliant with the Committee's imposed condition of lockable shutters.
- n) The PLH sent an email stating that the hard drive was not available, and the engineer had taken it, so they didn't know where it was. This posed various GDPR and Data Protection issues.
- o) There were no complaints since the premises opened but on 14 January 2020 there was a burglary reported and £2000 worth of vodka was stolen – an excessive amount of alcohol.
- p) The statement from PC Williams at page 69 raised issues about CCTV.
- q) The applicant and the conditions offered did not negate the concerns the original Licensing Committee had for the grant application.

Councillor Mary Locke, Local Ward Councillor made the following points: -

- a) She was the Councillor for this area and was objecting due to the premises being located opposite a primary school.
- b) The licensing objective of protecting children from harm was her concern.
- c) The hours were far too early (6am).
- d) The applicant had submitted documents showing other premises close to schools, however, the school closed several decades ago and the Council District Offices had also closed 5 years ago and were now empty.
- e) There was also a parent refuge nearby for parents who were fleeing from domestic violence.
- f) The head master who previously made an objection to the grant application had left the school and she was not sure if the new head master was aware of the application. However, she could not speak on their behalf.

- g) Safeguarding children is important and serious. Lockdown easing concerned her as schools would be getting back up and running.

In summing up, Cllr Mary Locke made the following points: -

- That the conditions agreed last time were fine and she did not feel the new hours requested were suitable.

In summing up, Chris Jones, on behalf of WMP made the following points: -

- That premises had not proven that they can address the concerns the Committee raised at the previous hearing.
- He did not have faith that the PLH would comply with the conditions of licence, given that they had already breached their current licence conditions.
- Therefore, the application should be refused.

In summing up, Anthony Gregson, on behalf of the applicant made the following points: -

- That the school had not chosen to object to the application.
- That it was not the case that children should be sheltered from alcohol and it didn't happen anywhere else, so it was not fair that it should happen with this premises.
- Variation applications were a new application and should not be compared with the original application.
- That the 6am opening hour was not for monetary gain, it was due to the applicant's health concerns.
- The applicant wasn't in attendance as he was very nervous, and English was his second language. He sometimes stuttered if he got nervous.
- That the CCTV condition was imposed, no evidence to say that he didn't have CCTV. As soon as the PLH realised the CCTV was not working he got it repaired. The circumstances about the hard drive were all speculation.
- The alcohol being on display was a mistake. The condition was imposed during school times, so he assumed that because children weren't at school due to Covid-19 he didn't have to cover the alcohol.
- The challenge 25 policy would protect children from harm.

- The applicant did a very good job trying to promote the Licensing Objectives and to grant the application would be best for the business and the licensing objectives.

At this stage Stacey Lukika indicated that she wished to address the points made by the police officer.

The Chair advised that the time for addressing the Committee had gone and that she should have indicated she wished to speak when invited earlier in the meeting.

At this point the Chair advised that the Committee would be going into private session to seek legal advice. The Members, Committee Lawyer and Committee Manager joined a private teams meeting.

At 1112 the Members and officers re-joined the meeting having taken legal advice and the Chairman invited Stacey Lukika to make her points.

Stacey Lukika made the following points: -

- a) That they submitted the evidence for the burglary. There was a power cut so no one was in the premises at the time; they were not trading.
- b) The £2000 worth of vodka was incorrect – it was alcohol and cigarettes which was the reason it was a big amount.
- c) They haven't made any changes to the building.
- d) The investigation of the robbery was not done properly.
- e) 2 officers attended the premises, saw the shop was closed due to power cut and that was why the burglary occurred. It would not have happened if they were trading as they would have been in the premises.
- f) That she didn't know much about the licence as she wasn't a DPS. However, how would anyone know the CCTV wasn't working until it was checked. They couldn't sit and watch it all day to ensure it was always working.
- g) The screen said it was recording, it wasn't until they went to access it that they realised it was not working.
- h) That Councillor Locke misunderstood the condition so why couldn't they misunderstand it? The school was only open to key worker children, so there were hardly any children around.
- i) They did not sell alcohol before 1730 hours.
- j) Bars and Clubs were closed due to Covid-19 so the demand for alcohol in the shop increased so they had to increase their stock.

- k) That there was a letter from the GP explaining her husband's health concerns.
- l) If they wanted to breach the conditions, they wouldn't have made a variation application.
- m) The school had no concerns and had not objected to the application.
- n) Her husband wanted to work with the community.
- o) They were being victimised for doing what they thought was right.
- p) If they weren't protecting children, why had no parents made objections.
- q) That the Councillor's objection last year was about crime and now it was about children. She had just objected for the sake of it.

The Chairman advised that Councillor Locke had the right to object, and this was a fresh application.

Stacey Lukika advised that the information submitted by WMP and Councillor Locke all made reference to the previous application and if it was deemed a new application then that information shouldn't be considered. Her final point was in relation to the objectors who she felt had approached the issues wrongly. She felt they should have sat the applicant down and tried to make him understand as there was a language barrier.

Councillor Locke advised that the school was open during lockdown.

Chris Jones, WMP advised that the premises had not proven or negated any concerns and had also breached their licence conditions. Further, the PLH did not give Chris the impression they he did not understand what was happening or being said when they carried out inspections.

Anthony Gregson reminded Members that it was a fresh application. The hours agreed at the grant hearing were agreed with the head teach and not imposed by the Committee – therefore because it wasn't a Committee concern it does not need to be negated.

Councillor Locke added that the hours agreed at the previous hearing were sufficient, she still had concerns about the protection of children.

The Committee Lawyer asked Stacey Lukika whether there were lockable shutters or blinds over the alcohol.

She responded to say that they did have blinds, but due to the increase in alcohol they did not have enough blinds, therefore they currently had no shutters or blinds.

The Committee Lawyer then asked Stacey Lukika to clarify what was stolen during the robbery.

She said she did not understand the importance of the question – it was not just vodka but other types of alcohol and cigarettes.

The Chair asked how many CCTV cameras were in the premises.

She stated that the premises had 4 CCTV cameras.

Anthony Gregson concluded that mistakes had been made however the police had the power to discuss and explain things to the licensee. The application was enough to show how children would be protected from harm and if there were any problems in the area, that would have been brought to the Committees attention. The applicant was an outstanding member of the community and was running a good store.

At this stage the meeting was adjourned in order for the Sub Committee to make a decision and all parties left the meeting. The Members, Committee Lawyer and Committee Manager conducted the deliberations in private and decision of the Sub-Committee was sent out to all parties as follows: -

4/040820

RESOLVED:-

That the application by Eden Manna Supermarket Ltd to vary the premises licence in respect of Eden Manna Supermarket, 122 Frances Road, Cotteridge, Birmingham B30 3DX, under section 34 of the Licensing Act 2003, be refused.

The Sub-Committee carefully considered the operating schedule put forward by the applicant, and the likely impact of the variation application, but is not satisfied that the protection of children from harm licensing objective would be promoted, due to the style of management displayed by the applicant - particularly given the observations made by West Midlands Police.

The applicant, via his agent, stated that the application to vary had not been made for any commercial reason; rather, it was because of the applicant's health problems, and to "ease the burden" on him. This was confirmed by the applicant's wife, who also attended the meeting and addressed the Sub-Committee. The applicant did not attend.

The Sub-Committee determined that the variation sought was substantial as it would extend the licensable hours, on all days of the week, far earlier into the hours of the morning and afternoon; moreover, the effect of the proposed operation would extend beyond the licensed premises itself. There was a primary school opposite the shop; there was also a parents' refuge nearby, which the Sub-Committee heard was used by those fleeing domestic violence.

Consequently, significant weight was attached to the representations made by West Midlands Police and a local Ward Councillor, relating to the impact of the proposed operation on those in the neighbourhood, especially children attending the primary school.

Both of those making representations felt that only the existing hours for the sale of alcohol (as determined in the decision of the Sub-Committee in March 2019) gave proper protection from harm for local children. To bring the hours forward, such that alcohol would be on sale from 06.00 hours daily, risked undermining the licensing objective.

In addition, West Midlands Police expressed concerns that the conditions agreed and imposed in March 2019 were not in fact being observed by the applicant. The Police drew the attention of the Sub-Committee to the condition that '*the licence holder shall ensure that at times when the premises are open but alcohol is not for sale that alcohol is not on view and is covered by lockable blinds or shutters.*' Upon attending at the premises at 11.50 hours on a Friday, ie a day when alcohol was not to be sold until 17.30 hours, officers observed that alcohol was openly on display behind the sales counter in an open fridge and on shelving units, and could be seen from the public footpath.

When spoken to by officers, the applicant had stated that he was aware of his licence conditions and knew that he was in breach of them by displaying alcohol in the premises outside his licensable hours; however he stated that the shop was too small to store the amount of alcohol and that it was impracticable to keep removing it on and off display. This appeared to be a reference to his health condition, which made moving the alcohol difficult.

The Police had also been dissatisfied with the applicant's arrangements regarding CCTV, and considered him to not be following the relevant conditions of the licence. Accordingly the Police had not been persuaded that the new conditions proposed by the applicant would add anything to uphold the licensing objectives; the issue was the applicant's capability in promoting the licensing objectives.

The Sub-Committee agreed with this; the Members were not altogether impressed with the management style described, and noted in particular that the applicant had admitted breaching the condition regarding the display of alcohol outside the licensable hours. Whilst the Sub-Committee accepted that the applicant was providing a service to the community, this type of failure to follow conditions already on the licence hardly inspired confidence that the applicant was a suitable person to have his licensable hours extended such that he would be able to sell alcohol all day, starting from 06.00 hours, or that he would take his responsibilities under the Act seriously. Accordingly, the Sub-Committee resolved to refuse the application.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the information in the application for a variation, the written representations received, and the submissions made at the hearing by the applicant's agent, the applicant's wife, West Midlands Police and the local Ward Councillor.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the

Licensing Sub-Committee B – 4 August 2020.

Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

Please note, the meeting ended at 1152.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

| | |
|-------------------------|---|
| Report to: | Licensing Sub Committee B |
| Report of: | Interim Assistant Director of Regulation & Enforcement |
| Date of Meeting: | Tuesday 1st September 2020 |
| Subject: | Licensing Act 2003 Premises Licence – Grant |
| Premises: | Rose Supermarket, 159 Hagley Road, Egbaston, Birmingham, B16 8UQ |
| Ward affected: | Ladywood |
| Contact Officer: | Bhupinder 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 seeks to permit the Sale of Alcohol (for consumption off the premises) to operate from 09:00am until 11:00pm (Monday to Sunday).

Premises to remain open to the public from 08:00am until 11:30pm (Monday to 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 9th July 2020 in respect of Rose Supermarket, 159 Hagley Road, Egbaston, Birmingham, B16 8UQ.

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:

Rose Supermarket (Brum) Ltd applied on 9th July 2020 for the grant of a Premises Licence for Rose Supermarket, 159 Hagley Road, Egbaston, Birmingham, B16 8UQ.

Representations have been received from other persons. See Appendices 1 and 2.

The application is attached at Appendix 3.

Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 4.

Conditions have been agreed with Birmingham City Council Licensing Enforcement and the applicant, which are attached at Appendix 5.

Site Location Plans at Appendix 6.

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:

Copies of the representations as detailed in Appendices 1 and 2

Application Form, Appendix 3

Conditions agreed with West Midlands Police, Appendix 4

Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 5

Site Location Plans, Appendix 6

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.

From:
Sent: 26 July 2020 15:37
To: Licensing
Subject: Rose supermarket alcohol licence

Hi I just live next door to this supermarket there is already shop there at 161 food and booze saling alcohol we don't need any more just next door to it the reason I am saying this there is more than 10 to 15 flats are around this shops living family and kids there is already enough noise and trouble of drunks people's and fight and troble we have at night and day s please don't make it worth we have enough shops around this is not only me i been talk to people's they will thinking the same thanks a lot kind regards from neighbourhood

From:
Sent: 26 July 2020 17:55
To: Licensing
Subject: Alcohol license 159 Hagley rd

Hello I live close by this shop and I am taxi driver every single night there is people out side of my house shouting fighting make lot of noise because of drunk people I have seen a paper behind the rose supermarket for apply license for alcohol my taxi car been damage many times because of this problem please I am not happy to hear onther alcohol shop open this road thanks for service

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 Rose Supermarket (BRUM) 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 | | | |
| 159 Hagley Road Edgbaston | | | |
| Post town | Birmingham | Postcode | B16 8UQ |
| Telephone number at premises (if any) | | | |
| Non-domestic rateable value of premises | | £14,750.00 | |

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/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <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 | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | 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 (by ticking yes to one box below):

- 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 | | |
| Date of birth | | I am 18 years old or over <input type="checkbox"/> Please tick | | | |
| Nationality | | | | | |
| Current residential address if different from premises address | | | | | |
| Post town | | | | Postcode | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |
| Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information) | | | | | |

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 | | |
| Date of birth I am 18 years old or over <input type="checkbox"/> Please tick yes | | | | | |
| Nationality British | | | | | |
| Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information) | | | | | |
| Current residential 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 Rose Supermarket (BRUM) Ltd |
| Address 159 Hagley Road Edgbaston Birmingham B16 8UQ |
| Registered number (where applicable) 12536544 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) Retail sale of food, beverages or tobacco as a Supermarket |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start? **ASAP**

| DD | MM | YYYY |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

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

| DD | MM | YYYY |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

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

This premises is located on a busy main arterial road and shopping area, it offers a full selection of food and drink items, serving the local community and visitors to the area. Its aim will always be to serve the community and give a full service to all of its customers.

The premises will have a positive impact on the community, which includes suppliers, employees, customers, the environment and the people of Edgbaston. It will always show due diligence to the licensing objectives and ensure it has a positive impact.

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 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

☐

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



In all cases complete boxes K, L and M

A

| | | | | | |
|---|-------|--------|--|----------|--------------------------|
| Plays Standard days and timings (please read guidance note 7) | | | Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | State any seasonal variations for performing plays (please read guidance note 5) | | |
| | | | | | |
| 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 6) | | |
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B

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|---|-------|--------|---|---|--------------------------|
| Films Standard days and timings (please read guidance note 7) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | | | | Please give further details here (please read guidance note 4) | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | State any seasonal variations for the exhibition of films (please read guidance note 5) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| 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 6) | | |
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C

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|--|-------|--------|---|
| Indoor sporting events Standard days and timings (please read guidance note 7) | | | <u>Please give further details</u> (please read guidance note 4) |
| Day | Start | Finish | |
| Mon | | | |
| Tue | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5) |
| Wed | | | |
| Thur | | | |
| Fri | | | <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 6) |
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D

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|--|-------|--------|--|----------|--------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 7) | | | <u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 4) | | |
| Mon | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5) | | |
| Wed | | | | | |
| | | | | | |
| Thur | | | | | |
| | | | <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 6) | | |
| Fri | | | | | |
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E

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|--|-------|--------|---|----------|--------------------------|
| Live music Standard days and timings (please read guidance note 7) | | | Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| | | | | | |
| Day | Start | Finish | | | |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | State any seasonal variations for the performance of live music (please read guidance note 5) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | 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 6) | | |
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F

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|--|-------|--------|---|----------|--------------------------|
| Recorded music Standard days and timings (please read guidance note 7) | | | Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | State any seasonal variations for the playing of recorded music (please read guidance note 5) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | 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 6) | | |
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G

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|---|-------|--------|--|----------|--------------------------|
| Performances of dance Standard days and timings (please read guidance note 7) | | | Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | State any seasonal variations for the performance of dance (please read guidance note 5) | | |
| | | | | | |
| Thur | | | | | |
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| Fri | | | 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 (please read guidance note 6) | | |
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|--|-------|--------|---|-----------------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7) | | | 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 3) | Indoors <input type="checkbox"/> |
| Mon | | | | Outdoors <input type="checkbox"/> |
| | | | | Both <input type="checkbox"/> |
| Tue | | | Please give further details here (please read guidance note 4) | |
| | | | | |
| Wed | | | | |
| Thur | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5) | |
| | | | | |
| 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 6) | |
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I

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|--|--------------|---------------|--|----------|--------------------------|
| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | Please give further details here (please read guidance note 4) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 5) | | |
| | | | | | |
| Thur | | | | | |
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| Fri | | | 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 6) | | |
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J

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|---|-------|--------|--|------------------|-------------------------------------|---|
| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 8) | On the premises | <input type="checkbox"/> | |
| | | | | Off the premises | <input checked="" type="checkbox"/> | |
| | | | | Both | <input type="checkbox"/> | |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 5) | | | |
| Mon | 0900 | 2300 | | | | |
| | | | | | | |
| Tue | 0900 | 2300 | | | | |
| | | | | | | |
| Wed | 0900 | 2300 | | | | |
| | | | | | | |
| Thur | 0900 | 2300 | | | | 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 6) |
| | | | | | | |
| Fri | 0900 | 2300 | | | | |
| | | | | | | |
| Sat | 0900 | 2300 | | | | |
| | | | | | | |
| Sun | 0900 | 2300 | | | | |
| | | | | | | |

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

| | |
|---|--|
| Name | |
| Date of birth | |
| Address | |
| DPS is currently awaiting issue of a personal licence | |
| 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 9).

Not applicable

L

| | | | |
|---|-------|--------|---|
| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | State any seasonal variations (please read guidance note 5) |
| Day | Start | Finish | 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 6) |
| Mon | 0800 | 2330 | |
| | | | |
| Tue | 0800 | 2330 | |
| | | | |
| Wed | 0800 | 2330 | |
| | | | |
| Thur | 0800 | 2330 | |
| | | | |
| Fri | 0800 | 2330 | |
| | | | |
| Sat | 0800 | 2330 | |
| | | | |
| Sun | 0800 | 2330 | |
| | | | |

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 10)

As the applicant, I will ensure that I fully uphold all of the four licensing objectives, at all times.

b) The prevention of crime and disorder

CCTV will be installed, operated and fully maintained at all times; images will be retained for at least 31 days and be produced on request of any Responsible Authority.

The CCTV will be operational at all times whilst the premises are open and trading.

CCTV warning notices will be displayed in public areas of the premises advising that CCTV is in operation, in accordance with GDPR.

CCTV – where the premises is required to change their CCTV hard drive, the old hard drive will be kept safely and securely on the premises for 31 days and made available to the Police on request.

A Refusals log will be maintained at all times, and will be checked and signed by the DPS at the end of each week, this will be made available for inspection by any Responsible Authority, upon reasonable request.

Staff training in the Licensing Act 2003 will take place for all members of staff prior to the premises opening, and all records will be retained at the premises; and made available for inspection at any time.

Customers will not be permitted to take open containers of alcoholic drinks from the premises.

No alcohol in open containers allowed on the premises. No alcohol to be consumed on the premises.

c) Public safety

The premises licence holder or DPS will carry out pre-opening checks of the premises, to ensure that there are no risks to patrons and that all safety precautions are in place.

The premises licence holder will ensure that all staff receive appropriate staff training, and the training records remain on site for a period of three months. The licence holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

All safety certificates and inspection reports will be kept on site and made available to officers of relevant statutory bodies.

The premises will comply with all food safety regulations. The staff involved in food preparation will be fully trained, and certificates displayed accordingly.

Staff training. All serving and newly appointed staff are to be trained in the action to be taken in case of fire and their duties with respect to the evacuation of the premises. This training will be documented and signed by each member of staff as having been completed. The documentation will remain at the premises and will be produced on request to any responsible authority.

d) The prevention of public nuisance

The Premises Licence Holder will ensure that the disturbance caused to the general public is kept to a minimum, signage will be placed in a prominent place asking customers to respect our neighbours.

Staff will ensure that the frontage of the premises is inspected regularly for litter and rubbish, clearing any debris away.

No rubbish, including bottles, shall be moved or placed in outside areas between the hours of 2200hours and 0800hours.

e) The protection of children from harm

A Challenge 25 policy is in place and only recognised forms of ID are to be accepted {PASS accredited ID, passport or photo driving licence}.

Staff are to be made aware of the potential for proxy sales and alert the DPS if they spot something suspicious.

No children under 16 allowed within the premises after 21.00hrs unless accompanied by an appropriate adult. Staff not to be left in sole charge of any child.

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. ☒
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☒

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

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

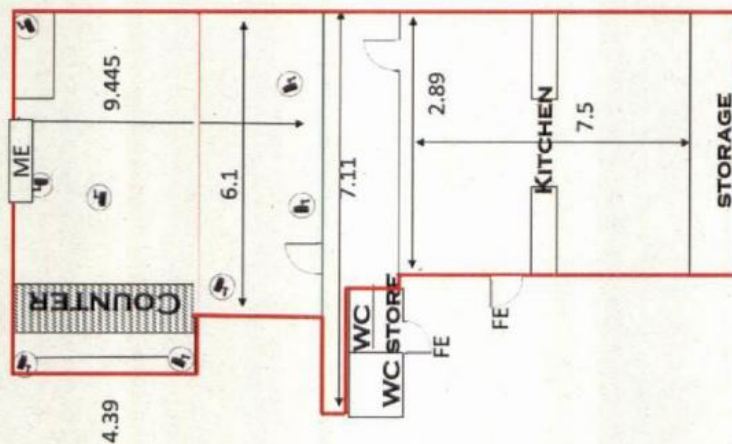
| | |
|--------------------|---|
| Declaration | <ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15) |
| Signature | |
| Date | 8, July 2020 |
| Capacity | Agent on behalf of the applicant |

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). 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 14) Rob Edge Licence Leader Ltd | | | |
| Post town | | Postcode | |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) | | | |

Rose Supermarket
19 Hagley Road, Birmingham
B16 8UQ



Key to plans.
Licenced area—
ME- main Entrance
FE- Fire Exits

| | |
|--|--|
| Licence Leader Ltd | |
| Version 01 – July 2020 Measurements supplied by owner | |

From: Mark Swallow
Sent: 14 July 2020 07:36
To: Licensing
Cc: rob.edge
Subject: ROSE SUPERMARKET 159 HAGLEY ROAD EDGBASTON B16 8UQ

Good Morning Licensing,
With regard to the premises licence application for Rose Supermarket, 159 Hagley Road, Edgbaston, Birmingham B16 8UQ. West Midlands Police have reviewed this application and are happy that if the below conditions are added to the licence, together with the operating conditions already offered by the applicant then the licensing objectives will be met and promoted. The amendment has been agreed with the applicant as per below email who is also copied in to this email.

Good afternoon Mark,

Many thanks for your email. I have spoken with the applicant (my client) and the conditions are agreed to be added to the operating schedule of the premises licence. I have copied the Licensing Team at the Council into this email.

Kind regards

Rob
Rob Edge
Licence Leader Ltd

I would request that the below conditions are added to the application to promote the licensing objectives:

The premises will install / update CCTV to the recommendations and specifications of West Midlands Police Central Licensing Team. There will be cameras that cover the frontage of the premises. These cameras will have the capability of capturing evidential quality images in low light conditions. CCTV images/recordings will be held for a minimum of 31 days, display the correct time & date stamp and be downloadable immediately on request of any of the responsible authorities.

If for any reason the CCTV hard drive needs to be replaced the previous / old hard drive will be kept on site for a minimum of 31 days and made immediately available to any of the responsible authorities on request.

All staff will receive training in their responsibility under the Licensing Act 2003 the Licensing objectives and underage sales. No staff will work at the premises while it is carrying out licensable activity until this training has been completed. Refresher training will be conducted a minimum of every 12 months. Staff training will be documented and signed by both the trainer & trainee. Training records are to be made immediately available to any of the responsible authorities on request.

An incident register will be maintained on the premises, and will be used to record incidents that occur within the premises and also directly outside the premises. This will be made available for inspection by a responsible authority at any time.

There will be no posters or advertisement of alcohol outside the premises or in the front window. The licence holder will take appropriate measures to ensure that people are discouraged from congregating in groups outside the premises.

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

Regards and thanks

MARK SWALLOW
WEST MIDLANDS POLICE

From: Shaïd X Ali
Sent: 04 August 2020 11:31
To: rob.edge
Cc: Licensing <licensing; BW_licensing>
Subject: RE: Rose Supermarket, 159 Hagley Rd B16 8UQ

Good morning,

Thank you Rob, I am happy for the condition regarding the seizure of drugs etc to be removed. The refusal of sale of alcohol condition I will like to be kept, I understand that there is a refusal log for any sales refused because of Challenge 25 which will be kept separately however this condition relates to any sales refused not because of Challenge 25 but because the customer might appear intoxicated or disorderly even though he/she may clearly be over 25.

Regards

Shaïd Ali - Licensing Enforcement Officer
Valepits Road

From: rob.edge
Sent: 30 July 2020 11:28
To: Shaïd X Ali
Cc: ; Licensing BW_licensing
Subject: RE: Rose Supermarket, 159 Hagley Rd B16 8UQ

Hi Shaïd,

Quite happy with these, although I believe the two I have underlined are not appropriate for a supermarket (1) seizures of drugs, offensive weapons, fraudulent ID or other items Is appropriate for a nightclub (2) (g) any refusal of the sale of alcohol This is covered by Challenge 25 and the Refusals log

Everything is fine and agreed.

Kind regards

Rob
Rob Edge
Licence Leader Ltd



Dedicated to providing a dynamic and realistic approach to licensing.

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From: Shaïd X Ali
Sent: 28 July 2020 12:57
To: rob.edge
Cc: Licensing ; 'BW_licensing
Subject: Rose Supermarket, 159 Hagley Rd B16 8UQ

Good afternoon Rob,

I have just been going through the application and looking at the proposed conditions. On the whole the conditions are adequate but there are a few amendments I would like to recommend, which I hope to get your agreement to before issuing the licence. There are some amendments to your proposed conditions and the addition of some further conditions. These conditions are in addition to those proposed by you on the application and are highlighted in red below.

Prevention of Crime and Disorder

CCTV **which will be date and time stamped** will be installed, operated and fully maintained at all times; images will be retained for at least 31 days and be produced on request of any Responsible Authority.

An incident log (which may be electronically recorded) shall be kept at the premises for at least six months from the date of the last entry, and made available on request to any responsible authority, which will record the following incidents including pertinent details:

- (a) all crimes reported to the venue, or by the venue to the police**
- (b) all ejections of patrons**
- (c) any complaints received**
- (d) any incidents of disorder**
- (e) seizures of drugs, offensive weapons, fraudulent ID or other items**
- (f) any faults in the CCTV system**
- (g) any refusal of the sale of alcohol**
- (h) any visit by a relevant authority or emergency service**

Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry to the premises and will be refused service.

Public Safety

The premises licence holder will ensure that all staff receive appropriate training **prior to commencing employment in their responsibilities under the Licencing Act 2003**, and the training records remain on site for a period of three months from the date the employment ceases. Training records shall be maintained at the Premises and produced to any Responsible Authority on request. Each member of staff will sign and date their training records to confirm they have received and understood the training provided. The training will be refreshed at least every 12 months. The licence holder will ensure that all staff are aware of their social and legal obligations and their responsibilities regarding the sale of alcohol.

Staff training. All serving and newly appointed staff are to be trained in the action to be taken in case of fire and their duties with respect to the evacuation of the premises **prior to commencing employment**. This training will be documented and signed by each member of staff as having been completed. The documentation will remain at the premises and will be produced on request to any responsible authority.

The Protection of Children from harm

The premises licence holder will have a written age verification policy – Challenge 25.

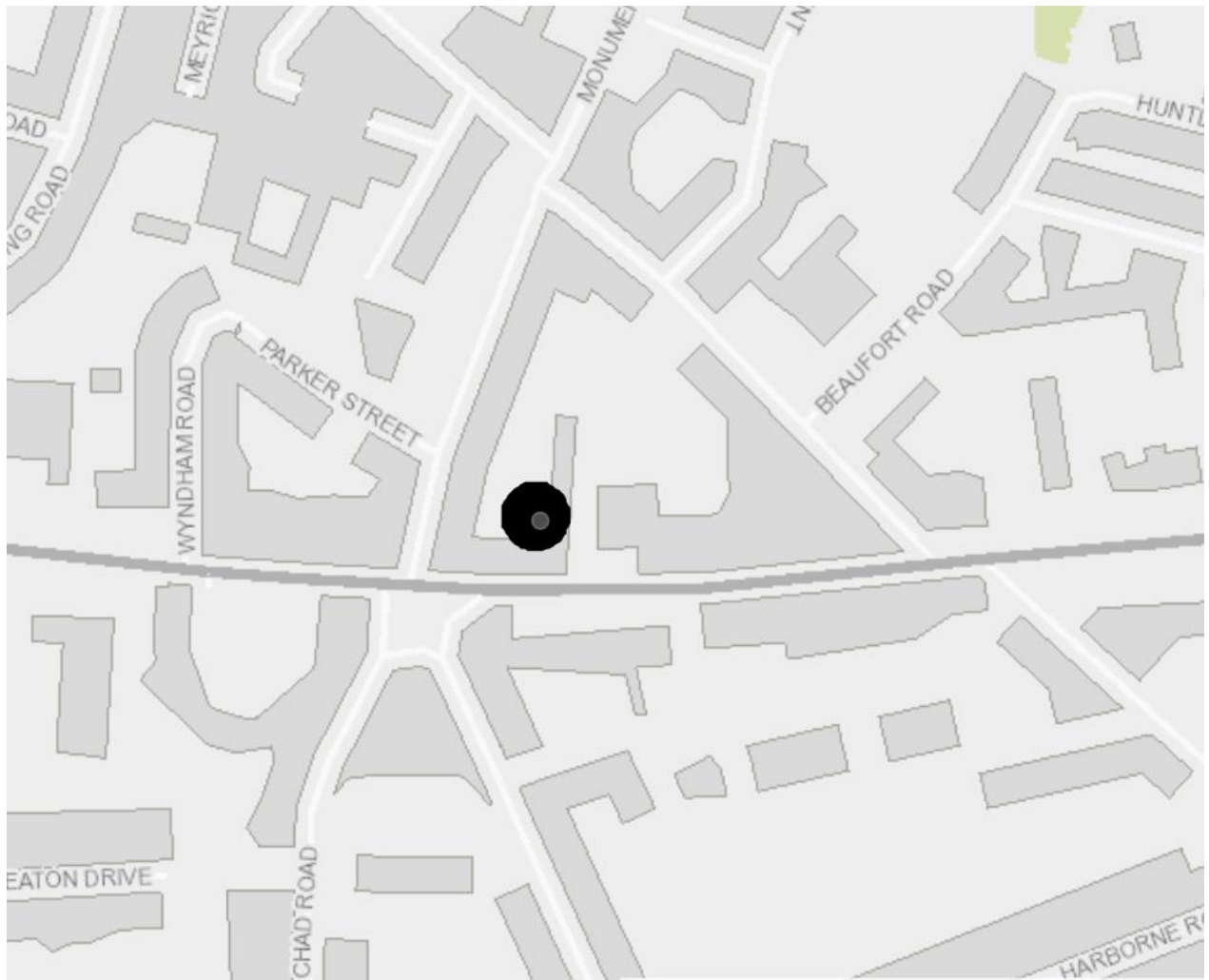
A copy of the age verification policy must be signed and dated by all members of staff to confirm they have read and understand the policy in operation. The signed copy of the policy must be maintained at the premises and available for inspection by any Responsible Authority on request.

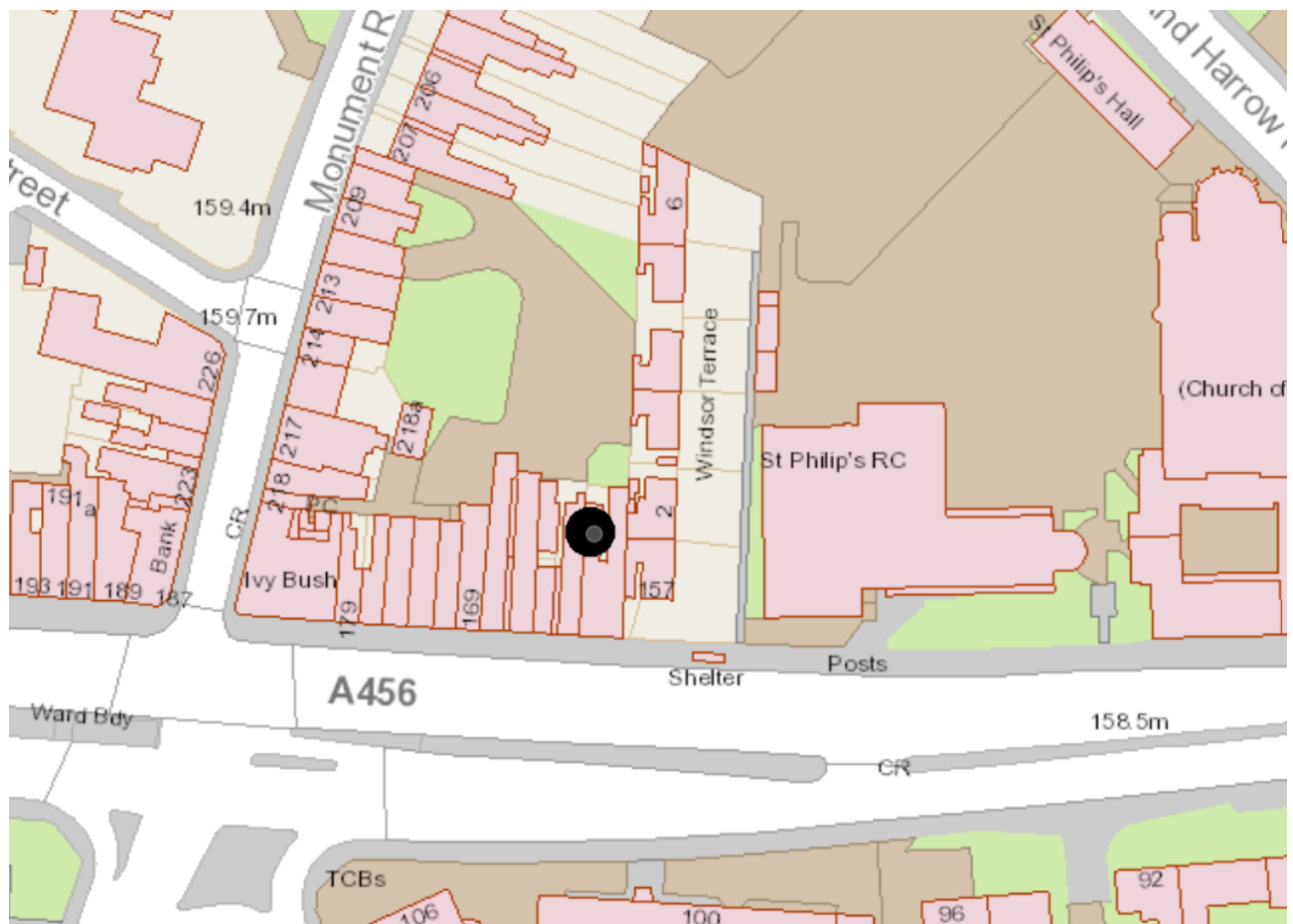
If you can confirm that you agree to the above, then please advise before the end of the representation period and Lisa can then add these to the licence before issuing.

The other issue to bear in mind is that the Premises Licence will not be issued until there is a DPS as I have noted that no one has been named on the application for this role.

Regards

Shaïd Ali - Licensing Enforcement Officer





Birmingham City Council - Licensing Sub-Committee
1 September 2020.

Rose Supermarket
159 Hagley Road, Birmingham. B16 8UQ

Documentation lodged on behalf of the Premises Licence Holder

Acting for the Premises Licence Holder, I have given full regard to:

- The licensing objectives set out in the Licensing Act 2003.
- The Council's Statement of Licensing Policy.
- The guidance issued under Section 182 of the Act.

I have attempted mediation with those who have objected, via emails. Additionally, I have had extensive meetings with the Licensing Enforcement Officer (Shaïd Ali) and Police Licensing (Mark Swallow)

West Midlands Police have reviewed this application and are happy that if the conditions they suggested are included in the operating schedule, together with the operating conditions already offered by the applicant, they therefore believe that the licensing objectives will both be met, and promoted. All parties have agreed to this.

Licensing Enforcement conditions have also been added, in order to strengthen the operating schedule.

Applied for: Sale & supply of alcohol off the premises - Monday to Sunday 0900 - 2300 hrs.

Eight Responsible Authorities could have objected to this application in relation to any of the Four Licensing Objectives, of these, I have liaised extensively with two and the other six, have not considered it necessary. I therefore believe that this premises gives them no reason for concern in its hours of operation or licensable activity, and that it will uphold the four licensing objectives.

The following documents are attached in support of this application, and will be fully utilised by the premises licence holder:

- Operations and staff training manual
- Challenge 25
- DPS Authorisations
- Refusals log
- Incident log
- Covid 19 - Risk Assessment

Rob Edge (Director)
Licence Leader Ltd.

| | |
|---|-------------------------|
| Premises Licence & Site Operations Training Manual | Rose Supermarket |
|---|-------------------------|

This Operations and Training Manual contains instructions and guidance covering various policies and procedures.

The intention of this manual is to:

- Assist in staff training and awareness.
- Act as an 'aide memoire' for all staff
- Referencing valuable information quickly and easily
- Providing guidance to staff as part of their on-going training and development.

The Training Regime

All on-site staff must read the training material provided and then satisfactorily pass the subsequent written test before being authorised to sell alcohol. It is important that this information is understood, should a staff member not satisfy the Designated Premises Supervisor (DPS) that they understand all of this then the DPS will not authorise that staff member.

You are at risk of prosecution for making unauthorised sales.

Refresher training must be undertaken at least on an annual basis, to sell alcohol and a number of refresher quizzes should take place to help in testing all staff and their knowledge.

Due Diligence Measures

- Staff are to satisfactorily undertake a training questionnaire - all questions to be answered correctly.
- Training Statement is to be signed by staff member and countersigned by Designated Premises Supervisor (DPS).
- Staff Authorisation sheet, to be signed by staff member and countersigned by the Designated Premises Supervisor (DPS).

The Premises Licence Holder may also consider putting staff members forward to sit the APLH – {Award for Personal Licence Holders} exam if there is a likelihood of them becoming a DPS in the future. For further details, please contact Licence Leader Ltd, or any other reputable Licensing consultant.

All staff training is to be properly recorded, as well as individual staff authorisations to sell alcohol, and retained in the premises licensing folder and kept on the premises. The DPS/Manager should complete both the alcohol training statement sheet and the authorisation record sheet. All staff will be issued with their own confirmation of having received their initial training, whether under this regime or any alternative proprietary system, keeping the originals for your own records. All staff will be listed on the authority record and it should contain their signature as proof of their understanding of the training they have received and the

responsibilities that they hold in the sale of alcohol. Subsequently as staff are re-authorised to sell alcohol on a regular basis this should form part of the refresher training and they are indicating by signing the authority sheet again that they are still fully conversant with the rules relating to the sale of alcohol.

New staff members should then be added as they join, subsequently signing again on a regular basis thereafter, after each refresher. The alcohol training and authority sheets are designed for quick reference by any of the Responsible Authorities, which may visit the premises and for you to identify and maintain all training requirements up to date.

Premises licence – Licensable Activities

You can only carry out the sale of alcohol off the premises during the licensable hours of the premises licence. The penalty for selling outside permitted hours is substantial – and may include a possible review of the premises licence.

Staff Authorisation

Under the terms of the grant of the premises licence: It is an offence for a person to serve alcohol to anybody unless they have been authorised to do so by a personal licence holder.

Underage Sales

It is an offence to sell alcohol to anyone under the age of 18, or to anyone purchasing alcohol on behalf of someone under the age of 18. It is an offence for any person under the age of 18 to buy or attempt to buy alcohol. It is an offence for anybody under 18 to sell alcohol unless authorised to do so by a responsible person. Responsible persons are defined as:

- The Premises Licence Holder
- The Designated Premises Supervisor (DPS)
- An individual aged over 18 authorised (ideally in writing) to sell alcohol for consumption off the premises by either the Premises Licence Holder or the Designated Premises Supervisor.

It is an offence to allow alcohol to be served to someone under 18 if the staff member could have prevented it. If a Challenge 25 scheme is adopted, then each customer wishing to purchase alcohol who is unknown to the cashier serving as a person who is over 18 years of age must be asked for satisfactory identification to prove their age. If they cannot or are not asked; then the staff member may be committing an offence should the condition wording be specific in this regard.

If a customer looks, under 25 they **Must** be challenged to prove that they are over 18 by producing photographic proof of age, which must include a photograph and state the full date of birth of the customer. The only forms of proof of age that we will accept are:

- A passport
- A photographic new style driving licence
- A PASS accredited Proof of Age ID card such as: The Citizen Card

Do not accept any other form of ID under any circumstances

Note: the penalty for the member of staff selling alcohol to an under aged person ranges from a fixed penalty notice to a criminal conviction and a substantial fine. You must ensure that you are completely satisfied as to the customer's age **BEFORE** you make the sale.

Do not ask staff members or 'take someone's word' that, they are over 18 and always use CHALLENGE 25.

DUE DILIGENCE PROCEDURE

All staff are to be regularly briefed on the following topics:

- ii Test purchasing
- iii Age restricted products
- iv How to check proof of age
- v Follow the guidelines
- vi What the law says
- vii Due Diligence procedures

Protection of Children from Harm

To protect children from harm and comply with the law, the vast majority of retailers take under age sales very seriously. There can be major consequences for businesses, licensees AND individual members of staff. Penalties for breaking the law include substantial fines, loss of licences, even imprisonment. Individual members of staff may be taken to court, and prosecuted. They could also lose their job.

Trading Standards & Police are amongst the Responsible Authorities who are consulted on licence applications under the Licensing Act 2003. If a licence holder sees and the staff are not following the guidelines outlined in this booklet then these matters may be raised during the licensing process. Any evidence of underage sales can also trigger a review, which could lead to loss of the Licence.

Test purchasing

Trading Standards and the Police (sometimes-together) check that the law is followed and can carry out test purchases of all age-restricted products as part of their enforcement duties. The test purchases are made with volunteer young people who are to look their age.

These test purchases follow procedures supported by the government. They are allowed as evidence of underage sales. Following these guidelines and asking for proof of age and receiving appropriate proof (asking by itself is not a defence), should make sure that you do not make an illegal sale. Samples of 'proof of age' are shown on the photo cards poster in the support material

Age restricted products – age restrictions

Alcohol Products 18

By following the rules regarding age related products, it will help you show you are taking 'all reasonable precautions and exercising all due diligence'. This is legal-speak to say that you must have behaved in a way that can provide a defence in law if an illegal sale takes place. You must be able to show that you are doing all that you possibly can to make checks. This is what the courts would look at should an illegal sale take place.

How to check proof of age ?

If a customer who looks under 25 and asks to buy an age restricted product, ask for one of the prescribed forms of proof of age and check it. If appropriate proof of age cannot be produced, you must refuse the sale and make an entry in the refusals register. You must only accept proof of age with date of birth and a photo. Remember to check that the photo matches the customer and that you can see their face clearly, including asking them to remove hoods and caps.

Proof of age cards need to carry a PASS hologram to show that they are part of an approved scheme and have been correctly issued. When you see a genuine PASS logo you can be more confident that it is valid proof of age, however there are good forgeries in circulation. Please see over page for checks.

• **Always follow these checks**

1. Check that the PASS hologram is genuine and flush with the body of the card.
 2. Check that the photo matches the person using it and that it is printed on the card, not just stuck on top of it. Ask them to remove helmets, hoods and sunglasses if you are not sure.
 3. Check that the date of birth is properly printed on the card and that you have calculated the date of birth correctly.
 4. Check that the card has not been tampered with in any way.
 5. Check the person. If you are unsure about any of the above, you must, and have the right to, refuse the sale.
- **Acceptable proof of age includes**
- 10-year passport
 - Photo driving licence
 - Citizencard
 - "PASS" accredited proof of age card scheme

There are fake proof of age cards about so if you are unhappy with a card for any reason, refuse the sale. Items such as birth certificates and national insurance cards are not good enough. They carry no photo so can be passed between friends. Legally you have the right to refuse to sell to anyone, whether over or under age, if you are unhappy with the sale in any way.

REMEMBER – If in doubt Refuse the sale

- Don't try to judge ages. Only accept approved proof of age cards with photos and date of birth.
- Follow the 'Challenge 25 Rule' and ask for proof of age from anyone who does not look over 25. Remember, if you guess wrong you could end up in court!
- Know when dates of birth will be correct. Are they 18 yet? Just having today's date with the relevant year of birth will do!
- Fill in a 'refusals book' each time a refusal takes place. The DPS should check entries regularly to make sure all staff are using the register.
- Do not sell to an adult you suspect of buying for under age young people. It is an offence for an adult to buy alcohol on behalf of someone under 18. This is known as proxy selling.
- Support colleagues when they refuse sales. It can be difficult to say 'no.'

Alcohol

The age at which product alcohol can be legally served and bought is 18. Do not sell to over 18s who you think may be purchasing for under 18s. Both the owner of the business and the seller may commit a criminal offence if alcohol is sold to an under 18. If you are found guilty of selling alcohol to a person under 18 the premises licence to sell alcohol is at risk. Under 18s cannot legally purchase alcohol. Always ask for proof of age before you serve and check the details. You can face prosecution and a criminal record or alternatively the police can issue on the spot fine if under age sales are made.

Checking Proof of age

When you ask somebody to produce proof of age in order to complete a purchase you must ensure that only an approved form of identification is accepted and that you check it correctly: Only accept -

- A valid passport
- A European style photo driving licence
- A PASS accredited cards such as a Citizen card

Always ask for the identification to be handed to you for authentication purposes

Check that

i. Passport

- not altered in any way
- the passport date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

ii. European style driving licence

- not altered in any way
- the licence date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

iii. PASS cards

- not altered in any way
- the card is completely flat with no raised edges around the photo or PASS logo
- **reject the card if it is not flat**
- the PASS logo hologram 3D effect is working
- the card date - it is valid
- the photograph - it belongs to the customer
- date of birth - the customer is old enough to complete the purchase

iv. The customer

- matches the photograph on the card
- is not acting suspiciously
- has not altered the card offered in any way

If you are in any doubt about the validity of the identification offered or the age of the customer even with the identification, **you MUST refuse the sale and record the details in the refusals book**

What to watch out for regarding the ID of a person who is possibly under the influence of alcohol.

Signs of Intoxication

There are many signs that a person may display as they become intoxicated. As blood alcohol levels rise, differences can be noticed in coordination, appearance, speech and behaviour.

An intoxicated person may typically show some of the following signs:

i. Behaviour and Physical Signs

Becoming loud, boisterous and disorderly Dropping possessions, rambling conversation, becoming argumentative Fumbling and difficulty in picking up change Loss of train of thought e.g. forgot to pay for goods Annoying other customers and staff Swaying and staggering Difficulty in paying attention Becoming incoherent, slurring or making mistakes in speech Difficulty walking straight Not hearing or understanding what is being said Becoming physically violent Bumping into fixtures/other customers Drowsiness, dozing or sleeping while in premises becoming bad tempered or aggressive Glassy/bloodshot eyes and lack of focus Observe customers in difficulty lighting cigarettes whilst outside the premises using offensive language. Falling, Vomiting Exhibiting inappropriate sexual behaviour Flushed Face Dishevelled Clothing Person smells of alcohol

DUTY TO REFUSE SERVICE

It is your duty to refuse to serve under 18s and you must refuse to serve a person if they are or appear to be drunk.

How to refuse a sale

Sometimes refusing a sale will make the customer angry. Here are some tips to help you handle difficult refusals.

Ask for proof of age. This helps the situation, as it is not a direct refusal. It says that you will make the sale if they can produce valid proof of age. Only accept proof of age with a photo, and only if you are happy it is correct.

Refuse politely. If necessary repeat your refusal clearly.

Keep calm. Do not get into an argument.

Explain briefly, why you cannot sell. Try saying

- 'I'm sorry; if I serve you I might be breaking the law.'
- 'We have a policy of 'no proof of age, no sale.'
- 'Our company policy is not to sell these products to young people.'

Show customers notices, posters and stickers that indicate you will not serve alcohol to under 18s or sell other age-restricted products.

Be positive in your refusal. Have a firm tone of voice, be confident and use direct eye contact. The law is on your side and you are doing the right thing.

Call your supervisor or manager for support if necessary.

Record details in your premises' refusal register.

Report incidents where you have felt threatened and/or intimidated.

Remember, ***you commit an offence*** if:

- You sell alcohol to a person who is under 18
- You allow alcohol to be sold to someone who is under 18 when you could have prevented that sale
- You sell alcohol to a person who is drunk
- You sell alcohol to a companion of a person who is drunk for the drunken Person's consumption
- You allow alcohol to be sold to someone who is drunk when you could have prevented that sale

On the spot fixed penalty, notices can be issued for serving alcohol to someone who is drunk or under age with prosecution also being a possibility.

If someone is drunk or disorderly they can be ejected from the premises and the Police must assist if requested to do so - if you think a customer should be ejected please ensure that you seek assistance from a colleague and follow your company procedures in order to deal with the incident properly and safely.

Keep calm. Do not get into an argument. **Explain briefly, why you cannot sell.** Try saying

- 'I'm sorry; if I serve you I might be breaking the law.'
- 'We have a policy of 'no proof of age, no sale.'

Training for Staff

| | |
|--|--|
| Member of staff [Full name] | |
| DPS or Personal Licence Holder delivering training [Full name] | |

A new checklist will be used to record when;

- a new staff member is appointed
- changes to the premises licence or policies have occurred
- when carrying out refresher training for existing staff.

This is paramount to our business and to demonstrate that we are showing our best endeavours to comply with the requirements of our premises licence and the licensing objectives of 2003 Licensing Act.

| | |
|---|--|
| What the law says about selling alcohol & the penalty staff and the business can face if an underage sale occurs? | |
| That the premises must hold a premises licence to sell alcohol. That they understand what the licence requires and the consequences for them and the business should any person sell alcohol in breach of any aspect of the alcohol licence. | |
| What the alcohol licence and conditions of the operating schedule require. EG: [i] ensuring alcohol is only sold during licensing hours, [ii] mandatory conditions as well as any conditions that are set out in the Annexes to the alcohol licence that are specific to our individual premises, | |
| Why selling alcohol underage and underage drinking is a problem for local communities, as well as the harm caused to underage drinkers themselves? | |
| What our policy is for challenging customers for proof of age? | |
| What our shop policy is, for the types of proof of age (ID) staff should accept? | |
| How to operate any 'till prompt' system installed? | |
| The signs to look out for that the customer may be buying alcohol for others who are underage ('Proxy purchasing')? | |
| What staff should do if they suspect the person they are serving is a 'proxy purchaser'? | |
| Where and how to record any refusals to sell, challenges for proof of age, use of fake ID or any other incidents such as aggressive or abusive customers etc.? | |

| | | | |
|---|-----------|------------------|------------------|
| Why it is important to record incidents/refusals to sell? | | | |
| The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law? | | | |
| What the policy is for an under 18-year-old to get authorisation for sales involving alcohol? | | | |
| Full name of person trained | Signature | Position in shop | Date dd/mm/yy |
| | | | |
| Full name(s) of trainer(s) | | | |
| | | | |
| Full name of Designated Premises Supervisor or personal licence holder, authorising person trained to sell alcohol. (NB Under 18's cannot be authorised to sell alcohol). | | | |
| | | | |

UNDER 25?



**IF YOU ARE LUCKY
ENOUGH TO LOOK UNDER
25 YOU WILL BE ASKED
TO PROVE THAT YOU ARE
AGED 18 OR OVER WHEN
YOU BUY ALCOHOL**

**IF YOU ARE UNDER 18
YOU ARE COMMITTING
AN OFFENCE IF YOU
ATTEMPT TO BUY
ALCOHOL**



drinkaware.co.uk
for the facts about alcohol

WWW.CHALLENGE25.ORG



DESIGNATED PREMISES SUPERVISOR (DPS)

AUTHORISATION

Rose Supermarket

I _____ being the Designated Premises Supervisor (DPS), and the holder of a Personal Licence am the person in a position of authority on the premises known as: _____

Premises Licence Number: _____

Personal Licence Number: _____

I hereby authorise the following named personnel to sell and supply alcohol, to comply with the licensing law and the licence conditions attached to the licence. This being either when I am present on the premises or in my absence, away from the premises. I can always be contactable on the following telephone number:

NAMES OF AUTHORISED PERSONS:

I, being a person named below am aware of, and accept my responsibilities under the Licensing Act 2003 and will endeavour to comply in accordance with the licensing law and the licence conditions attached to the licence.

| Name | Personal licence Number (If applicable) | Non-Personal Licence Holder (Please tick) |
|------|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Designated Premises Supervisor

Name: _____

Signature: _____

Date: _____ 2020

REFUSALS LOG BOOK

Rose Supermarket

If a customer appears to be under 25 and fails to produce a valid ID photo, the sale should be **Refused** and recorded in this refusals log. Staff should write an entry whenever an age-related sale is refused.

No ID - No Sale

Licence Leader Limited
Alcohol Licensing Services

Incident Log Book

Rose Supermarket

Please use a separate page in this log for each incident.

**Do not put yourself or staff at risk, call 999 or 101 when
appropriate**

Staff should write an entry whenever an incident occurs.

Licence Leader
Alcohol Licensing Services

| Incident Report Log | | | |
|--|------------------------|--------|----------------------------|
| Date of incident | Time of incident | | |
| Location | Value of Losses/Damage | | |
| Description of Incident | | | |
| | | | |
| Images available | | YES/NO | Are still images available |
| Was it reported to West Midlands Police | | YES/NO | Crime Number |
| If reported to West Midlands Police, was it reported at the time of incident or afterwards:- | | | |
| Which staff member was involved with this incident | | | |
| What further action has been taken by Premises Licence Holder | | | |
| Final comments; | | | |
| | | | |

Rose Supermarket

Location:
159 Hagley Road,
Birmingham.
B16 8UQ

| | |
|------------|------------|
| Created by | R V Edge |
| Date | 18.07.2020 |
| Version | V1 |
| Status | Current |
| Authorised | MM |

August 2020

Covid-19 is a new illness that can affect your lungs and airways, and a virus called Coronavirus causes it. Symptoms can be mild, moderate, severe or fatal.

| What are the hazards? | Who might be harmed | Controls Required | Additional Controls | Action by who? | Action by when? | Done |
|--------------------------------|---|--|---|----------------|-----------------|------|
| Spread of Covid-19 Coronavirus | <ul style="list-style-type: none"> Staff Visitors to our premises Cleaners Contractors Drivers Vulnerable groups - Elderly, Pregnant workers, those with existing underlying health conditions Anyone else who physically comes in contact with you in relation to your business | <p><u>Hand Washing</u></p> <ul style="list-style-type: none"> Hand washing facilities with soap and water in place, and signage in place. Stringent hand washing taking place. See hand-washing guidance. https://www.nhs.uk/live-well/healthy-body/best-way-to-wash-your-hands/ Drying of hands with disposable paper towels, if possible. Staff encouraged to protect the skin by applying emollient cream regularly Gel sanitisers in prominent positions both inside & outside areas of the premises | <p>Staff will be reminded on a regular basis to wash their hands for 20 seconds with water and soap and the importance of proper drying with disposable towels. Also reminded to catch coughs and sneezes in tissues - Follow "Catch it, Bin it, Kill it" and to avoid touching face, eyes, nose or mouth with unclean hands. Tissues will be made available throughout the workplace.</p> <p>Encourage staff to report any problems at the earliest opportunity.</p> <p>To help reduce the spread of coronavirus (COVID-19) reminding everyone of the public health advice</p> <p>Posters, leaflets and other materials are available and displayed.</p> | | | |

August 2020

| | | | | |
|--|--|---|--|--|
| | | | | |
| | | | <p>Managers are to ensure that the necessary procedures are being adhered to and must carry out rigorous checks.</p> | |
| <p>Cleaning Frequently cleaning and disinfecting objects and surfaces that are touched regularly, particularly in areas of high use such as door handles, light switches, tables & chairs using appropriate cleaning products and methods.</p> | | <p>Staff are to be reminded, on a daily basis of the importance of social distancing, inside the premises.</p> <p>Management checks are to take place to ensure this all policies are adhered to.</p> | | |
| <p>Social Distancing Social Distancing - Reducing the number of persons in any work area to comply with the 2-metre or 1 metre guidance</p> <p>Taking steps to review work schedules including start & finish times/shift patterns. Best efforts to reduce number of staff on site at any one time. Also relocating workers to other tasks.</p> <p>Redesigning processes to ensure social distancing is in place.</p> | | | | |

August 2020

| | | | | |
|--|---|--|--|--|
| | | | | |
| | | | <p>Internal communication channels and cascading of messages through line managers will be carried out regularly to reassure and support employees and customers in a fast changing situation.</p> <p>Line managers will offer support to staff who are affected by Coronavirus or has a family member affected.</p> <p>Regular communication of mental health information and open door policy for those who need additional support.</p> | |
| | <p><u>Symptoms of Covid-19</u> If anyone becomes unwell with a new continuous cough or a high temperature in the workplace, they will be sent home and advised to follow the stay at home guidance. Line managers will maintain regular contact with staff members during this time.</p> <p>If advised that a member of staff or customer has developed Covid-19 and were recently attending our premises, the management team will ensure that the track and trace policy is followed.</p> <p><u>Mental Health</u> Management will promote mental health & wellbeing awareness to staff during the Coronavirus outbreak and will offer whatever support they can to help</p> | | | |

August 2020

