BIRMINGHAM CITY COUNCIL

Report to:	Licensing Sub Committee A
Report of:	Acting Director of Regulation &
-	Enforcement
Date of Meeting:	Monday 12 th November 2018
Subject:	Licensing Act 2003
	Premises Licence – Grant
Premises:	Global Food Market, 90-92 Oxhill Road,
	Handsworth, B21 9RH
Ward affected:	Handsworth Wood
Contact Officer:	Shaid Yasser, Senior Licensing Officer,
	0121 303 9896, <u>licensing@birmingham.gov.uk</u>

1. Purpose of report:

To consider a relevant representation that has 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 06:00am until 03:00am (Monday to Sunday).

Premises to remain open to the public from 06:00am until 03:00am (Monday to Sunday).

2. Recommendation:

To consider the representation that has been made and to determine the application.

3. Brief Summary of Report:

An application for a Premises Licence was received on 21st September 2018, in respect of Global Food Market, 90-92 Oxhill Road, Handsworth, B21 9RH.

A representation has 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:

Mr Kemal Guler applied on 21st September 2018 for the grant of a Premises Licence for Global Food Market, 90-92 Oxhill Road, Handsworth, B21 9RH.

A representation has been received from Other Persons, see Appendix 1.

The application is attached at Appendix 2.

Site Location Plans at Appendix 3.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

6. List of background documents:

Copy of the representation as detailed in Appendix 1 Application Form, Appendix 2 Site Location Plans, Appendix 3

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.

Appendix 1

From:	-
Sent:	11 October 2018 16:57
То:	Licensing
Subject:	Application for licensing for 90-92 Oxhill Road

I would like to submit a strong objection for alcohol licence for the above for the following reasons There are a volume of premises isupplying alcohol in this area and this creates a equal volume of extreme antisocial behaviour and this affects the safety of resident in our neighbourhood. vast amount bottles and beer cans strewn everywhere has created a awful litter problem that blights the area and surroundings. We do not deserve this.

This area is a Alcohol Restricted Area, the Police are well aware of the problem another such premises will pose due to manpower shortage

I enclose a copy of the application

1

On at least one occasion during the period of 10 working days, starting on the day after the day on which the application was submitted to the Licensing Authority of the Council, you must publish a notice (below) in a local newspaper circulating in the Borough of Haringey

LICENSING ACT 2003 **NOTICE OF APPLICATION FOR A PREMISES LICENCE**

Notice is hereby given that (a)...KEMAL GULER

Has applied to the Licensing Authority of London Borough of Haringey for a Premises Licence to permit:

(b)...SERVING ALCHOL OFF THE PREMISES

......

for the premises (c)...GLOBAL FOOD CENTRE Situated at (d)... 90-92 OXHILL ROAD

A register of licensing applications can be inspected at Licensing Team, BIRMINGHAM CITY COUNCIL, LICENSING SECTION, PO BOX 17013 BIRMINGHAM. B6 9ES

Any person wishing to submit relevant representations concerning this application must give notice in writing to the London Borough of Haringey, Licensing team at the above address, giving in detail the grounds of the representation no later than:

(e)...15./...10.../2018.....

Copies of all representations will be included in the papers presented to the Licensing Authority's Sub Committee and will therefore pass into the public domain Representations can be emailed to licensing@haringey.gov.uk

Representations must relate to one or more of the four Licensing Objectives the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

It is an offence liable on conviction to a fine up to £5000 under section 158 of the Licensing Act 2003 knowingly or recklessly to make a false statement in contection with an application.

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22/9118-19/10/18 108642

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 Kemal Guler	
(Insert name(s) of applicant)	
apply for a premises licence under section 17 of the Licensing Act 2003 for the premises	

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 90-92 OXHILL ROAD				
Post town	BIRMINGHAM	Postcode	B21 9RH	

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£9700

Part 2 - Applicant details

Please state whether you are applying for a premises licence as			Please tick as appropriate	
a)) an individual or individuals *		\boxtimes	please complete section (A)
b)	a person other than an individual *			
	i	as a limited company/limited liability partnership		please complete section (B)
	ii	as a partnership (other than limited liability)		please complete section (B)
	iii	as an unincorporated association or		please complete section (B)
	iv	other (for example a statutory corporation)		please complete section (B)
C)	a re	ecognised 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 (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 🖾 Mrs 🗌	Miss 🗌		Other Title (for example, Rev)			
Surname GULER						
Date of birth I am 18 years old Please tick yes						
Nationality						
Current residential address if different from premises address						
Post town			Postcode	3		
Daytime contact telephone number						
E-mail address (optional)						

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr 🗌 Mrs 🗌	Miss 🗌 Ms	Other Title (for example, Rev)				
Surname	Surname First names					
Date of birth I am 18 years old or Please tick yes						
Nationality		·				
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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
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 1 1 1 2 0 1 8
If you wish the licence to be valid only for a limited period,	DD MM YYYY

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

0 1 1 1 2 0 1 8

Please give a general description of the premises (please read guidance note 1) OFFLICENSE, GENERAL LOCAL FOOD AND DRINK STORE

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)

Pro	vision 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

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Plays Standard days and timings (please read			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors		
	ce note 7		(from to a Barance 1000 c)	Outdoors		
Day	Start	Finish		Both		
Mon		-	Please give further details here (please read gui	dance 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)		
Sat						
Sun						

A

Films Standard days and timings (please read		read	Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
guidan	ce note 7)		Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gui	dance 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 us for the exhibition of films at different times to column on the left, please list (please read guida	those listed in	
Sat					
Sun					

B

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Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			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 (please read guidance note 6)
Fri			
Sat			
Sun			

С

Boxing or wrestling entertainments Standard days and timings (please read		nd	Will the boxing or wrestling entertainment take place indoors or outdoors or both please tick (please read guidance note 3)	Indoors Outdoors	
Ų	ice note 7				
Day	Start	Finish		Both	
Mon			Please give further details here (please read gu	idance note 4)	
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to u for boxing or wrestling entertainment at diffe listed in the column on the left, please list (ple	rent times to t	those
Sat			note 6)		
Sun					

D

Live music Standard days and timings (please read			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
	ce note 7		(from the Barranto role of	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gui	dance 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 us for the performance of live music at different t listed in the column on the left, please list (please	imes to those	
Sat			note 6)		
Sun					

Recorded music Standard days and timings (please read		nd	Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
	ce note 7		()	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gui	dance 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 us for the playing of recorded music at different t listed in the column on the left, please list (plea	imes to those	_
Sat			note 6)	_	
Sun					

F

Performances of dance Standard days and			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
	s (please ce note 7			Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gui	dance note 4)	
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to us for the performance of dance at different times the column on the left, please list (please read g	s to those liste	<u>d in</u>
Sat					
Sun					

G

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 entertainm providing	nent you will b	e
Day	Start	Finish	Will this entertainment take place indoors or	Indoors	
Mon			<u>outdoors or both – please tick</u> (please read guidance note 3)	Outdoors	
				Both	
Tue			Please give further details here (please read gui	dance note 4)	
Wed					
Thur			State any seasonal variations for entertainmen description to that falling within (e), (f) or (g) 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)		
Sun					

H

Late night refreshment Standard days and timings (please read guidance note 7)		read	Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gui	dance note 4)	
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to us for the provision of late night refreshment at d those listed in the column on the left, please list	ifferent times.	
Sat			guidance note 6)		
Sun					

I

Supply of alcohol Standard days and timings (please read		nd	Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	
	nce note 7			Off the premises	⊠
Day	Start	Finish		Both	
Mon	06:00	03:00	State any seasonal variations for the supply of	alcohol (pleas	9
	06:00	03:00	read guidance note 5)		
Tue	06:00	03:00			
	06:00	03:00			
Wed	06:00	03:00			
	06:00	03:00			
Thur	06:00	03:00	Non standard timings. Where you intend to us	e the premise	<u>s</u>
	06;00	03:00	for the supply of alcohol at different times to the column on the left, please list (please read guidant during the superior of the superior o	nce note 6)	<u>he</u>
Fri	06:00	03:00			
	06:00	03:00			
Sat	06:00	03:00			
	06:00	03:00			
Sun	06:00	03:00			
06:00 03:00					

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 KEMAL G	ULER			
Date of bir	th			
Address				
Postcode	Т	······································	 	· · · · ·
Personal lic	ence number (if known)			
Issuing lice	nsing authority (if known)		 	

J

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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). N/A

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	
Mon	0 6:00	93:07	
Tue	06:00	<u>13:0</u> 2	
Wed	06:07	03:00	
Thur	00:30	05:00	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)
Fri	06:00	<u>03'</u> @	
Sat	06:00	03'00	-
Sun	06:05	Q2:07	

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)

	Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing
	objectives with particular attention to:
	a/ no selling of alcohol to underage people
	b/ no drunk and disorderly behavior on the premises area
	c/ vigilance in preventing the use and sale of illegal drugs at the retail area
	d/ no violent and anti-social behaviour
	e/ no any harm to children
	- Operating Schedule providing the hours of operation and licensable activities during those hours.
	- Designated premises supervisor confirmed it is obligated to be in day-to-day control
	of the premises, to provide good training for staff on the Licensing Act (Training
	Record), to make or authorize each sale
	- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.
	- CCTV system installed with recording option available
	- Roller metal exterior window shutter will be fixed to ensure that shop front is safe
	and secure at all times
	As a licensed premises we know that it is necessary to carry out our functions or
	operate their businesses with a purpose of promoting these objectives. We promise
	to support these objectives through their operating schedules and other measures
	(including staff training and qualifications, policies, and strategic partnerships with
	other agencies).
	No binge drink promotions will take place
1	Any person who appeared to be drunk and disorderly will not permitted to premises

Any person who appeared to be drunk and disorderly will not permitted to premises Notices will placed prominent positions to ask patrons to leave quietly Suitable evacuation plane in case of any emergency

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed. Not selling of alcohol to drunk or intoxicated customers. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

Prevention and vigilance in illegal drug use at the retail unit area.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit (ex. canned or bottled beer).

c) Public safety

Internal and external lighting fixed to promote the public safety objective. Well trained staff adherence to environmental health requirements. Training and implementation of underage ID checks.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Noise reduction measures to address the public nuisance objective.

Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

Customers will be asked not to stand around loudly talking in the street outside the premises.

Customers will not be admitted to premises above opening hours.

The movement of bins and rubbish outside the premises will be kept to a minimum after 03.00am This will help to reduce the levels of noise produced by the premises. Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.

Adequate waste receptacles for use by customers will be provided in the local vicinity.

Signature	
Date	11/09/2018
Capacity	PERSONAL LICENCE HOLDER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) H. BERKPINAR				
Post town	Postcode _			
Telephone number (if any)				
If you would prefer us to correspond with you	by e-mail, your e-mail address (optional)			

Notes for Guidance

- 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. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell

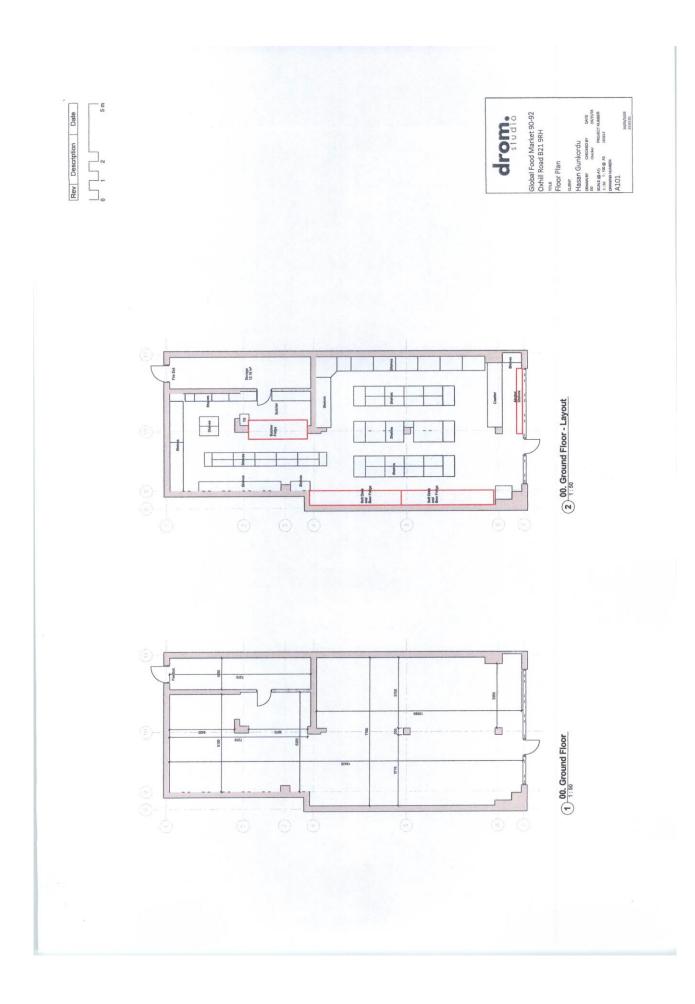
KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

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	 [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 licesable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15) 	
Signature		
Date	11/09/2018	
Capacity	PREMISES LICENCE HOLDER/DPS	

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.



Appendix 3





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