

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Wednesday 20th February 2019
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Flamingo Café & Restaurant, 81-83 Villa Road, Birmingham, B19 1NH
Ward affected:	Birchfield
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider a relevant representation that was made in respect of an application for a Premises Licence which initially sought to permit the Sale of Alcohol (for consumption on the premises) to operate from 11:00am until 11:30pm (Monday to Thursday) and 11:00am until 05:00am (Friday to Sunday).

To permit the provision of Late Night Refreshment to operate from 11:00pm until 05:00am (Friday to Sunday).

Premises to remain open from 11:00am until 11:30pm (Monday to Thursday) and 11:00am until 05:00am (Friday to Sunday).

On the 8th January 2019 the applicants agent notified Environmental Health that the applicant had agreed to accept the conditions sought in their initial representation and to reduce the hours for the provision of licensable activities and opening hours as follows:

To permit the sale of alcohol from 11:00am until 11:30pm (Sunday to Thursday) and 11:00am until 1:30am (Friday and Saturday).

To permit the provision of late night refreshment from 11:00pm until 1:30am (Friday and Saturday) and 11:00pm until 11:30pm (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 November 2018, in respect of Flamingo Café & Restaurant, 81-83 Villa Road, Birmingham, B19 1NH.

A representation was lodged by Environmental Health, as a responsible authority.

<p>4. Compliance Issues:</p> <p>4.1 Consistency with relevant Council Policies, Plans or Strategies:</p> <p>The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.</p>
<p>5. Relevant background/chronology of key events:</p> <p>Samsom Kahsay applied on 21st November 2018 for the grant of a Premises Licence for Flamingo Café & Restaurant, 81-83 Villa Road, Birmingham, B19 1NH.</p> <p>A representation was submitted by Environmental Health as a responsible authority. See Appendix 1.</p> <p>The application is attached at Appendix 2.</p> <p>Conditions have been agreed with Birmingham City Council Licensing Enforcement and the applicant, which are attached at Appendix 3.</p> <p>On the 8th January 2019, the day before the initial hearing was scheduled to take place, the applicants agent notified Environmental Health that they were willing to reduce the hours for the provision of licensable activities and opening hours in line with an existing licence for the premises and to accept the conditions being sought by Environmental Health as detailed in Appendix 4</p> <p>Unfortunately as the applicants agent did not put forward the proposed amendments until the day before the hearing was scheduled to take place it was not possible for Environmental Health to withdraw their representation within the statutory time to enable the hearing to be dispensed with.</p> <p>As neither the applicant nor their agent attended the hearing on the 9th January 2019 the Sub-Committee resolved to adjourn the hearing in order that the applicant and his representative attend to provide further information. A copy of the determination is attached at Appendix 5.</p> <p>Site Location Plans at Appendix 6.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ol style="list-style-type: none"> The prevention of crime and disorder; Public safety; The prevention of public nuisance; and The protection of children from harm.
<p>6. List of background documents:</p> <p>Copy of the representation as detailed in Appendix 1</p> <p>Application Form, Appendix 2</p> <p>Conditions agreed with Birmingham City Council Licensing Enforcement, Appendix 3</p> <p>Amendments to hours for the provision licensable activities, opening hours & conditions agreed with Environmental Health on the 8th January 2019, Appendix 4</p> <p>Licensing Sub-Committee determination of Wednesday 9th January 2019, Appendix 5</p> <p>Site Location Plans, Appendix 6</p>

7. Options available
<p>To Grant the licence in accordance with the application.</p> <p>To Reject the application.</p> <p>To Grant the licence subject to conditions modified to such an extent as considered appropriate.</p> <p>Exclude from the licence any of the licensable activities to which the application relates.</p> <p>Refuse to specify a person in the licence as the premises supervisor.</p>

From: Martin Key on behalf of Pollution Team
Sent: 11 December 2018 14:37
To: Licensing; i
Cc:
Subject: Application for Premises License – Licensing Act 2003 - Flamingo Cafe and Restaurant, 81 - 83 Villa Road, Birmingham, B19 1NH
Attachments: 181211 flamingo villa road rep.pdf

Hi

I, Martin Key, as a representative of Environmental Health, formally raise a representation on the above application. My representation concerns the likely effect of the grant of the licence on the promotion of the licensing objective relating to the prevention of public nuisance. I attach a copy of my representation.

Best Regards

Martin Key
Environmental Protection Officer

Environmental Health | Regulation & Enforcement Division
✉: Environmental Health, Manor House, PO Box 16977, Birmingham, B2 2AE

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 Please consider the environment before printing this email

To:	Licensing Section, PO Box 17013, Birmingham, B6 9ES	Date: 11th December 2018
From:	Martin Key, Environmental Health, 40 Moat Lane, Birmingham, B5 5BD	Tel:
Subject:	Application for Premises License – Licensing Act 2003 Address – Flamingo Cafe and Restaurant, 81 – 83 Villa Road, Birmingham, B19 1NH	

I, Martin Key, as a representative of Environmental Health, formally raise a representation on the above application. My representation concerns the likely effect of the grant of the licence on the promotion of the licensing objective relating to the prevention of public nuisance.

I am concerned that the grant of the licence would potentially result in noise nuisance to neighbouring residential properties due to noise breakout from the building arising from the performance of music before 23.00 and patron activity, patrons accessing and egressing the premises, taxis, deliveries and ancillary use of the external areas in conjunction with the licensed activity. There is also the risk of noise and odour from the cooking of food affecting the locality given the current arrangements. This concern is based on the range of activities requested, the absence of any effective operating conditions, the building design and structure, the existing noise environment, the proximity of noise sensitive receptors and the late hour (05.00) within the application.

The premises were granted a planning consent in September 2018 for restaurant use with a limit to the opening hours of 09.00 – 23.00 (not 23.30 or 05.00 as proposed in the application) and these restricted hours were included due to concerns over impact on the amenity of nearby residential premises. The proposed hours will be significantly out of character with the area and are likely to result in noise nuisance to neighbouring residential premises. On the basis of the late requested hour, the existing condition of the premises, the need for further works to be carried out before the operations commence and the absence of effective operating conditions I would recommend refusal of the application. I do not believe that this concern can be dealt with by the use of appropriate conditions and therefore recommend refusal. If however, contrary to my recommendation, the licence is granted the condition(s) I suggest to mitigate this concern are numbered C1 to C12 below.

Recommended Conditions

C1 - An assessment of the building design and structure and a proposed scheme of noise insulation and attenuation shall be produced by a suitably qualified and experienced noise specialist. This scheme shall be submitted in writing to the Environmental Protection Unit of Birmingham City Council and no licensable activity shall take place until the mitigation measures that have been approved in writing by the Environmental Protection Unit of Birmingham City Council have been implemented. The noise mitigation measures shall be thereafter maintained.

C2 – To avoid nuisance being caused to neighbours the DPS, or other nominated person/staff, shall monitor the external areas of the Premises after 23:00 hours, including the frontage onto Villa Road. If necessary, they shall remind customers to be respectful of neighbours and where necessary they shall limit the number of customers going outside to use the smoking area and take appropriate steps to avoid customers who use the frontage of the premises causing a nuisance.

C3 – All external doors and windows shall be kept closed except as necessary for safe and effective access and egress.

C4 – There shall be no live music or amplified music, speech or sound other than background music and any such background music shall be inaudible outside the building.

C5 –The DPS shall, within 3 months of the date of issue of this licence, submit in writing a noise management plan to Environmental Protection Unit of Birmingham City Council. The noise management plan shall outline the measures to be adopted to reduce the noise impact of activities associated with the premises including deliveries, recycling and refuse collections, smoking areas, customers and taxi pick up. The noise management plan shall be updated regularly and all staff shall be adequately trained in their role in implementing the plan.

C6 - The supply of late night refreshment shall not commence until details of the extract ventilation and odour control equipment, including details of any noise levels, noise control and external ducting has been submitted to and approved in writing by the Environmental Protection Unit of Birmingham City Council. The installation and operation of the extract ventilation and odour control systems shall be in accordance with the approved details and thereafter maintained.

C7 – No waste or recyclable material, including bottles, shall be moved, removed or placed in areas outside the premises building between the hours of 22.00 and 08.00.

C8 – No drinks shall be removed from the premises.

C9 – Patrons shall not remove from the premises late night refreshment provided at the premises.

C10 - The premises shall have an approved documented dispersal policy (approval needed in writing from the Environmental Protection Unit of Birmingham City Council), which shall be implemented for dispersal at all times the premises are open for licensable activity. The policy shall include the dispersal of customers exiting the premises away from nearby residential properties. The dispersal policy shall be reviewed periodically or in the case of noise complaints relating to dispersal activities and revised as necessary and the revised policy shall be submitted in writing to the Environmental Protection Unit of Birmingham City Council for approval. All operational controls and management actions required by the approved dispersal policy shall be instigated at all times. On Friday, Saturday and Sunday from 23:00 hours all entrances shall be supervised by door staff who shall ensure that the dispersal policy is followed and people accessing and egressing the premises do not cause noise nuisance to nearby residential premises.

C11 - No new customers shall enter the premises after 01.00.

C12 - There shall be no speakers used for amplified music, speech or sound outside the building.

In light of the matters set out above I object to the licence being granted.



Birmingham
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

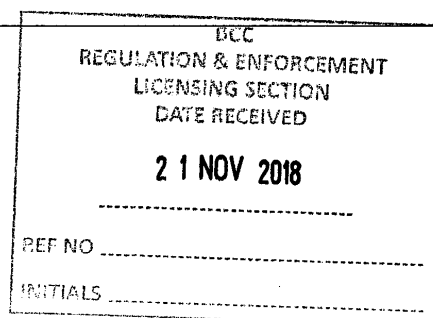
Other telephone number

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

Is the applicant:

- ☐ Applying as a business or organisation, including as a sole trader
- ☒ Applying as an individual

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



Continued from previous page...

Address

* Building number or name	Flamingo Cafe & Restaurant
* Street	81-83 Villa Road
District	
* City or town	Birmingham
County or administrative area	
* Postcode	B19 1NH
* Country	United Kingdom

Agent Details

* First name	Mijanur
* Family name	Rahman
* E-mail	
Main telephone number	
Other telephone number	

Include country code.

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

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number	7021919
Business name	Optimised Training Centre
VAT number	-
Legal status	Private Limited Company
Your position in the business	Manager
Home country	United Kingdom

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	Optimised Training Centre
Street	1 Guildford Street
District	
City or town	Birmingham
County or administrative area	
Postcode	B19 2HN
Country	United Kingdom

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PREMISES DETAILS

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

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name	Flamingo Cafe & Restaurant
Street	81-83 Villa Road
District	
City or town	Birmingham
County or administrative area	
Postcode	B19 1NH
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	7,100

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APPLICATION DETAILS	
<p>In what capacity are you applying for the premises licence?</p> <p> <input checked="" type="checkbox"/> An individual or individuals <input type="checkbox"/> A limited company / limited liability partnership <input type="checkbox"/> A partnership (other than limited liability) <input type="checkbox"/> An unincorporated association <input type="checkbox"/> Other (for example a statutory corporation) <input type="checkbox"/> A recognised club <input type="checkbox"/> A charity <input type="checkbox"/> The proprietor of an educational establishment <input type="checkbox"/> A health service body <input type="checkbox"/> A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales <input type="checkbox"/> A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England <input type="checkbox"/> The chief officer of police of a police force in England and Wales </p> <p>Confirm The Following</p> <p> <input checked="" type="checkbox"/> I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities <input type="checkbox"/> I am making the application pursuant to a statutory function <input type="checkbox"/> I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative </p>	
Section 4 of 21	
INDIVIDUAL APPLICANT DETAILS	
<p>Applicant Name</p> <p>Is the name the same as (or similar to) the details given in section one?</p> <p> <input checked="" type="radio"/> Yes <input type="radio"/> No </p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <p>First name <input style="width: 150px;" type="text" value="Samsom"/></p> <p>Family name <input style="width: 150px;" type="text" value="Kahsay"/></p> </div> <div style="width: 50%; font-size: 0.9em;"> <p>If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.</p> </div> </div> <p>Is the applicant 18 years of age or older?</p> <p> <input checked="" type="radio"/> Yes <input type="radio"/> No </p>	

Continued from previous page...

Current Residential Address

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

☐ Yes

☒ No

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

Applicant Contact Details

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

☒ Yes

☐ No

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

E-mail

Telephone number

Other telephone number

* Date of birth

 / /
dd mm yyyy

* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

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OPERATING SCHEDULE

When do you want the premises licence to start?

 19 / 12 / 2018
dd mm yyyy

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

 / /
dd mm yyyy

Provide a general description of the premises

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.

Cafe and Restaurant

Continued from previous page...

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

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PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

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PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☐ Yes

☒ No

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PROVISION OF PERFORMANCES OF DANCE

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See guidance on regulated entertainment

Will you be providing performances of dance?

☐ Yes

☒ No

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

See guidance on regulated entertainment

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

☐ Yes

☒ No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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

Continued from previous page...

SUNDAY

Start 23:00

End 05:00

Start

End

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

☒ Indoors

☐ Outdoors

☐ Both

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

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

State any seasonal variations

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

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

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

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 11:00

End 23:30

Start

End

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

Continued from previous page...

TUESDAY

Start 11:00

End 23:30

Start

End

WEDNESDAY

Start 11:00

End 23:30

Start

End

THURSDAY

Start 11:00

End 23:30

Start

End

FRIDAY

Start 11:00

End 05:00

Start

End

SATURDAY

Start 11:00

End 05:00

Start

End

SUNDAY

Start 11:00

End 05:00

Start

End

Will the sale of alcohol be for consumption:

- ☒ On the premises ☐ Off the premises ☐ Both

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

State any seasonal variations

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

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

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

Continued from previous page...

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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

Continued from previous page...

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

Continued from previous page...

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

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

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

There is a strong management and security procedures in place which encompasses the four licensing objectives as below. A Challenge 25 policy will be strictly followed by all staff. Staffs are trained as appropriate in respect of relevant licensing law. The open nature of the restaurant allows for good viewing coverage. CCTV is installed covering both inside and outside the premises, recording will be kept for 28 days and be made to the responsible authorities upon request. A refusal register will be maintained as well as a incident log. No bottles or glasses will be taken off the premises. SIA supervisors will be appointed every Friday, Saturday and Sunday from the hours of 23:00 until the premises is open or 05:00. Details of the supervisor will be kept in a register.

b) The prevention of crime and disorder

CCTV is installed inside and outside the premises. CCTV will be recording at all times the premises are open for any licensable activities and images will be held for a minimum of 28 days and made available immediately on request by any of the Responsible Authorities. The Premises License Holder will ensure that a trained member of staff will be on duty and be available to download the CCTV to any of the Responsible Authorities. The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol. Any person who appears drunk /aggressive will not be permitted on the premises. A refusal register will be maintained as well as a incident log. No bottles or glasses will be taken off the premises. SIA supervisors will be appointed every Friday, Saturday and Sunday from the hours of 23:00 until the premises is open or 05:00. Details of the supervisor will be kept in a register.

c) Public safety

Suitable fire extinguishers, fire alarms and fire exits are maintained.
I will fully support any directives received from the authorities
Floor staff will conduct physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the management. The Designated Premises Supervisor is aware of his responsibilities to the staff and customers in respect of public safety and will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations.

d) The prevention of public nuisance

All deliveries will be received during daytime to control noise nuisance. In conjunctions with the steps proposed for the prevention of crime and disorder objectives, the Licensees and staff will at all times remain responsible for the prevention of public nuisance in and around the premises.
The Designated Premises Supervisor will arrange to monitor levels of noise from both inside and outside the premises and remedial action will be taken as appropriate.
Doors and windows will be kept closed as deemed necessary by the Designated Premises Supervisor. Signs will be displayed on exits asking customers to leave quietly.

Continued from previous page...

e) The protection of children from harm

We recognise the importance of protecting children from harm and this is supported by our commitment to health and safety in the operation and maintenance of the premises and also our approach to managing the risk of under age drinking. The Designated Premises Supervisor and staff will at all times remain aware of their responsibilities under the objective, including that alcohol shall not be sold to anyone under the age of 18. Staff on duty will be trained and made aware of a challenge 25 policy and the requirements and the need to demand an acceptable form of age id.
No adult entertainment is permitted at these premises

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified):

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 - £100.00

Band B - £4301 to £33000 - £190.00

Band C - £33001 to £87000 - £315.00

Band D - £87001 to £125000 - £450.00*

Band E - £125001 and over - £635.00*

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

Band D - £87001 to £125000 - £900.00

Band E - £125001 and over - £1,905.00

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

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

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

Capacity 5000-9999 - £1,000.00

Capacity 10000-14999 - £2,000.00

Capacity 15000-19999 - £4,000.00

Capacity 20000-29999 - £8,000.00

Capacity 30000-39999 - £16,000.00

Capacity 40000-49999 - £24,000.00

Capacity 50000-59999 - £32,000.00

Capacity 60000-69999 - £40,000.00

Capacity 70000-79999 - £48,000.00

Capacity 80000-89999 - £56,000.00

Capacity 90000 and over - £64,000.00

* Fee amount (£)

190.00

DECLARATION

1

Continued from previous page...

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE
* ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO
1 BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15).

THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS
* PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

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

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

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

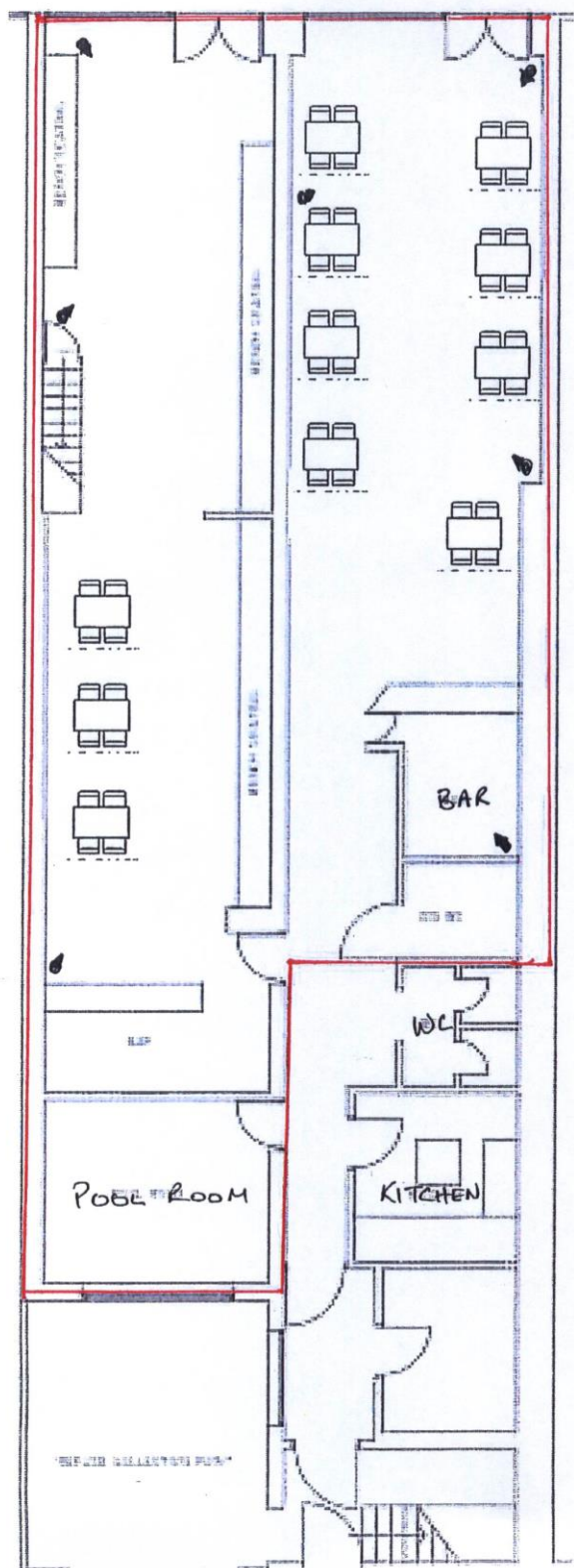
Once you're finished you need to do the following:

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

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

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

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



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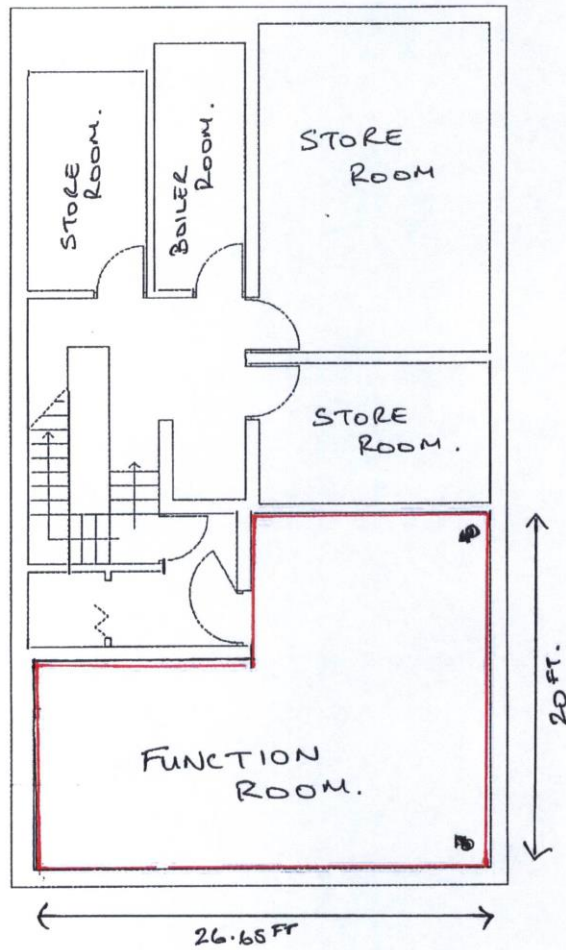
GROUND FLOOR.

— = LICENSABLE AREA.
 ● = CCTV

FLAMINGO
 81-83 VILLA ROAD
 BIRMINGHAM
 B19 1NH.

SCALE 1:100

BASEMENT FLOOR.



● = CAMERA.

— = LICENSABLE AREA.

FLAMINGO
81-83 VILLA ROAD
BIRMINGHAM
B19 1NH.

From: Optimised Training Centre
Sent: Sunday, December 16, 2018 7:12 PM
To: Dot Finegan
Subject: Re: 81-83 Villa Road t/a Flamingo Cafe & Restaurant - Premises Licence Grant application

Dear Dot Finegan

Please accept my apology for the delay in my response, as I have just realised that my previous email was not sent.

I have discussed the points made in your email with the applicant and he is in full agreement and will abide by the conditions as stated in your email.

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

Kind regards
Mijanur Rahman

Optimised Training Centre Ltd
Six Ways Business Centre
Room 210A
1 Guildford Street
Birmingham
B19 2HN

----- Original message -----

From: Dot Finegan
Date: 26/11/2018 10:54 (GMT+00:00)
To:
Subject: 81-83 Villa Road t/a Flamingo Cafe & Restaurant - Premises Licence Grant application

Dear Mr Rahman

Further to the above application for which the representation period ends on 19/12/18.

You will appreciate that conditions attached to the premises license should not only be enforceable but also effectively promote the four licensing objectives.

In considering the application submitted the Licensing Enforcement Team has applied the tests of necessity and reasonableness in order to promote the four licensing objectives and I have there attached a list of conditions which the Licensing Enforcement Team will require the applicant to accept as conditions attached to the premises licence.

Subject to the applicant or you as their authorised agent confirming in writing they agree to accept the attached conditions there will be no need to the Licensing Enforcement Team to make a representation regarding the application submitted.

Please can you consider the following additions to the current conditions:

General

All members of staff must receive training regarding the:-

- Four licensing principles contained in the Licensing Act 2003
- Responsible retailing of alcohol, and the law
- Protection of children from harm and this must include how to competently check customers identification where necessary
- Authorised hours for licensable activities and the conditions attached to the premises licence

All training provided to staff will be recorded and each member of staff will sign and date the training records to confirm they have received

and understood the training and on-going refresher training every six months.

The staff training records will be maintained at the premises and made available to any Responsible Authority upon request.

Protection of Children from Harm

The premises licence holder will implement and operate a challenge 25 age verification policy to prevent the sale or supply of alcohol to persons under 18 years of age.

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

I have attached a copy of the Age Verification Policy for your information.

Should you wish to contact me to discuss the matter further my contact details are shown below.

Your earliest response to this e-mail would be appreciated.

I look forwards to hearing from you.

Dot Finegan

Licensing Enforcement Officer

Birmingham City Council Licensing Enforcement

From: Martin Key
Sent: 08 January 2019 13:13
To: Licensing
Cc:
Subject: RE: Application for Premises License – Licensing Act 2003 - Flamingo Cafe and Restaurant, 81 - 83 Villa Road, Birmingham, B19 1NH
Importance: High

Hi

Please see the email trail below. The applicant has agreed in the email below to the inclusion of conditions C1 to C9 below and to amend the application to reduce the hours to Sunday to Thursday - alcohol on sales from 11.00 – 23.30 and late night refreshment from 23.00 – 23.30, Friday and Saturday - alcohol on sales from 11.00 – 01.30 and late night refreshment from 23.00 – 01.30. The conditions are:-

C1 – To avoid nuisance being caused to neighbours the DPS, or other nominated person/staff, shall monitor the external areas of the premises after 23:00 hours, including the frontage onto Villa Road. If necessary, they shall remind customers to be respectful of neighbours and where necessary they shall limit the number of customers going outside to use the smoking area and take appropriate steps to avoid customers who use the frontage of the premises causing a nuisance.

C2 – All external doors and windows shall be kept closed except as necessary for safe and effective access and egress.

C3 – There shall be no live music or amplified music, speech or sound other than background music and any such background music shall be inaudible outside the building.

C4 – The DPS shall, within 3 months of the date of issue of this licence, submit in writing a noise management plan to Environmental Protection Unit of Birmingham City Council. The noise management plan shall outline the measures to be adopted to reduce the noise impact of activities associated with the premises including deliveries, recycling and refuse collections, smoking areas, customers and taxi pick up. The noise management plan shall be updated regularly and all staff shall be adequately trained in their role in implementing the plan.

C5 – No waste or recyclable material, including bottles, shall be moved, removed or placed in areas outside the premises building between the hours of 22.00 and 08.00.

C6 – No drinks shall be removed from the premises.

C7 – Patrons shall not remove from the premises late night refreshment provided at the premises.

C8 – The premises shall have an approved documented dispersal policy (approval needed in writing from the Environmental Protection Unit of Birmingham City Council), which shall be implemented for dispersal at all times the premises are open for licensable activity. The policy shall include the dispersal of customers exiting the premises away from nearby residential properties. The dispersal policy shall be reviewed periodically or in the case of noise complaints relating to dispersal activities and revised as necessary and the revised policy shall be submitted in writing to the Environmental Protection Unit of Birmingham City Council for approval. All operational controls and management actions required by the approved dispersal policy shall be instigated at all times.

C9 – There shall be no speakers used for amplified music, speech or sound outside the building.

On the basis that the application has been amended to the revised hours and the above conditions are included in any licence issues the concerns I had raised have been addressed and I am therefore able to withdraw my representation on this case.

Best Regards

Martin Key
Environmental Protection Officer

Environmental Health | Regulation & Enforcement Division

✉: Environmental Health, Manor House, PO Box 16977, Birmingham, B2 2AE
(Office Site: Environmental Protection, 1st Floor, 40 Moat Lane, Birmingham, B5 5BD)
🌐: www.birmingham.gov.uk/eh | Facebook: ehbmham | Twitter: @ehbmham

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

🖨 Please consider the environment before printing this email

From: Optimised Training Centre |
Sent: Tuesday, January 08, 2019 11:47 AM
To: Martin Key; Licensing
Subject: RE: Application for Premises License – Licensing Act 2003 - Flamingo Cafe and Restaurant, 81 - 83 Villa Road, Birmingham, B19 1NH

Dear Martin Key

Thank you for your email. I have discussed the condition and the applicant is willing to accept these. Also we understand that the licensing and opening hours will be amended so that they are unchanged from the current licence.

I would like to thank you for your assistance, if you require any further information please do not hesitate to contact me.

Kind regards

Mijanur Rahman

Optimised Training Centre Ltd
Six Ways Business Centre
Room 210A
1 Guildford Street
Birmingham
B19 2HN

The information contained in this message is confidential and may be legally privileged. If you are not the intended recipient, please do not read, copy or otherwise use it and do not disclose it to anyone else. Please notify the sender of the delivery error and then delete the message from your system. Any views or opinions expressed in this email are those of the author only. Email communications are not secure. For this reason Optimised Training Centre cannot guarantee the security of the email or its contents or that it remains virus free once sent.
Registered in England, Company No:7021919



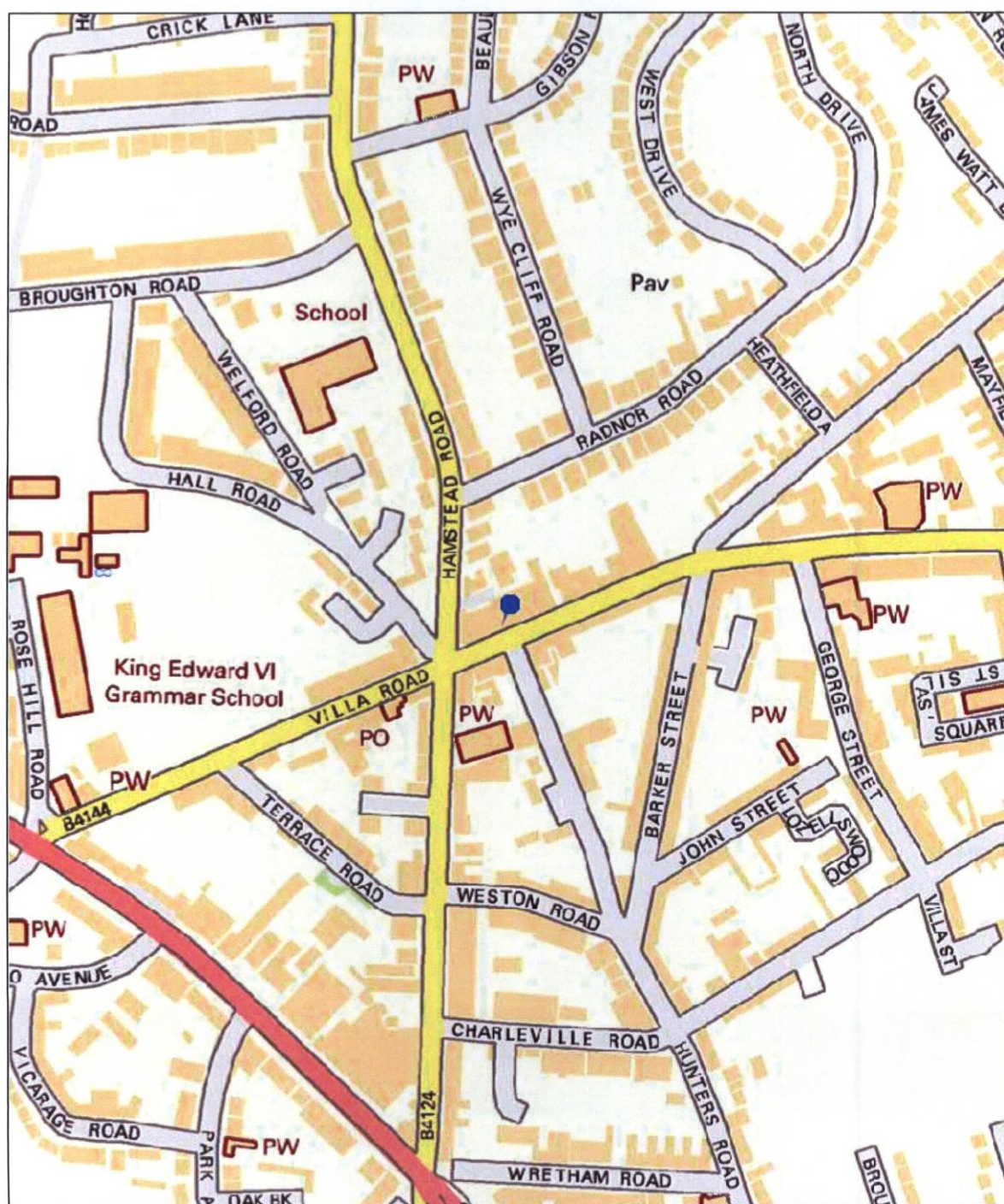
BIRMINGHAM CITY COUNCIL
LICENSING SUB COMMITTEE C
WEDNESDAY 9 JANUARY 2019

FLAMINGO CAFÉ & RESTAURANT, 81-83 VILLA ROAD, BIRMINGHAM, B19
1NH

That the application by Samsom Kahsay for a premises licence in respect of Flamingo Café & Restaurant, 81-83 Villa Road, Birmingham, B19 1NH **BE ADJOURNED** to Wednesday 20 February 2019 at 0930 hours in order that the applicant and his representative attend the hearing to provide further information to the Sub-Committee in respect of the premises licence application and agreed conditions with the Responsible Authority, Environmental Health. The Sub-Committee noted that neither the applicant nor his representative were in attendance at the hearing.

The Sub Committee were advised by the Committee Lawyer of their discretionary powers to adjourn the matter under Regulation 12 of the Licensing Act 2003 (Hearings) Regulations 2005.

Members considered that an adjournment was necessary in the public interest. Given the principles of natural justice, the Members had a duty as decision-makers to conduct a proper examination of submissions, arguments and evidence adduced by both parties in order to reach a proper determination. This would require the grant of an adjournment so the applicant and his representative attend the hearing and assist the Sub-Committee with their enquiries and to enable them to properly and fully consider the application.



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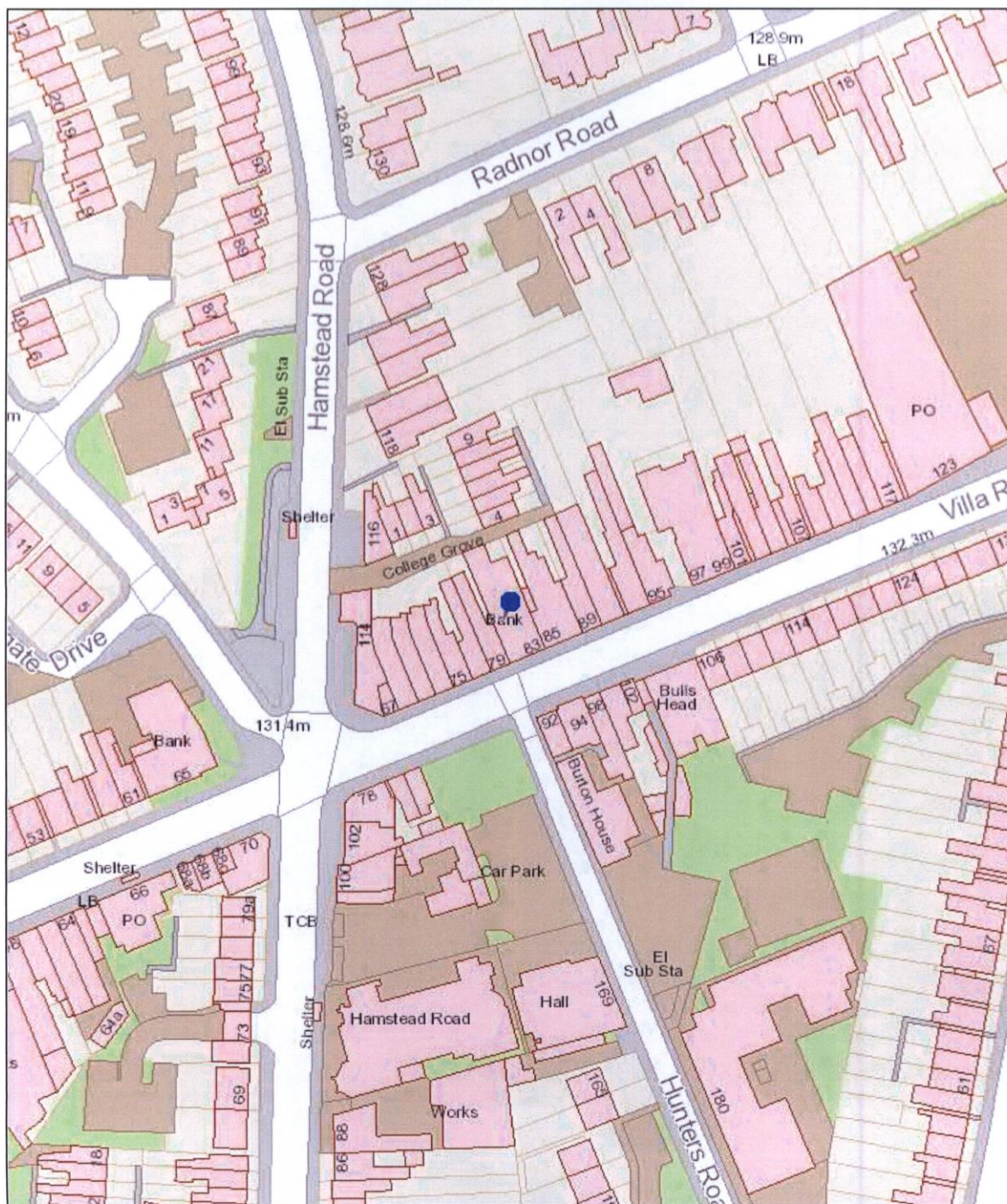
Date of Map Creation: 18/12/2018

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Date of Map Creation: 18/12/2018

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