

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 6th November 2019
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	Moreish, 337-339 Soho Road, Handsworth, Birmingham B21 9SD.
Ward affected:	Soho & Jewellery Quarter
Contact Officer:	Shaid Yasser, Senior Licensing Officer, 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have been made in respect of an application to vary the Premises Licence which seeks to extend the hours for the Sale of Alcohol (for consumption on the premises) to operate from 11:30pm until 04:00am (Thursday to Saturday).

To extend the provision of Regulated Entertainment consisting of Live Music and Recorded Music, (to operate indoors only), from 11:00pm until 04:00am (Thursday to Saturday).

To extend the provision of Late Night Refreshment, to operate indoors only, from 11:30pm until 04:00am (Thursday to Saturday).

Premises to remain open to the public 10:00am to 00:00am (Sunday to Wednesday) and 10:00am to 04:00am (Thursday to Saturday).

The application also seeks that the current condition, "Last entry to the premises will be 22:00 hours," to be amended to "Last entry to the premises will be 23:00 hours."

2. Recommendation:

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

3. Brief Summary of Report:

A Variation application was received on 17th September 2019 in respect of Moreish, 337-339 Soho Road, Handsworth, Birmingham B21 9SD.

Representations have been received from two responsible authorities and from a local Ward Councillor.

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.

<p>5. Relevant background/chronology of key events:</p> <p>Ransford Gordon applied on 17th September 2019 to vary the Premises Licence for Moreish, 337-339 Soho Road, Handsworth, Birmingham B21 9SD.</p> <p>Representations have been received from West Midlands Police and Environmental Health, as responsible authorities. See Appendices 1 & 2.</p> <p>A representation has been received from a local Ward Councillor, which is attached at Appendix 3.</p> <p>The application, including supporting documents, is attached at Appendix 4.</p> <p>The current Premises Licence 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> <ul style="list-style-type: none"> a. The prevention of crime and disorder; b. Public safety; c. The prevention of public nuisance; and d. The protection of children from harm.
<p>6. List of background documents:</p> <p>Copies of the representations are detailed in Appendices 1 – 3</p> <p>Application Form, Appendix 4</p> <p>Current Premises Licence, Appendix 5</p> <p>Site Location Plans, Appendix 6</p>
<p>7. Options available</p> <p>To grant the variation application</p> <p>To refuse the whole or part of the application</p> <p>To modify the conditions of the Licence</p>

Entered JS. 15/10/2019

From: Abdool Rohomon
Sent: 15 October 2019 09:49
To: Licensing
Cc: rob.edg.
Subject: Moreish - Soho Road

Dear Licensing

West Midlands Police have received the application to vary the above premise licence. The variation seeks to substantially increase the hours of operation until 04.00am for what is described in the application as a domino event premises. West Midlands Police have reservations that the extension to the hours is purely for what is described in the application. These reservations are based on the recent history of the premises and the use of Temporary Event Notices which have been purely for Birthday parties and not domino events.

West Midlands Police have requested conditions to be imposed on the licence, we have not seen as yet written proof that the conditions have been agreed by the premise licence holder. Therefore West Midlands Police formally object to this application on the basis of the prevention of crime and disorder and public safety. The variation hours substantially increase the risk of crime and disorder and public safety in a difficult area.

If and when written confirmation is received from the premise licence holder, West Midlands Police will reconsider their position

regards

Abs Rohomon

PC 4075 Rohomon
BW Licensing
Police headquarters
Lloyd House
Colmore Circus
Birmingham
B4 6NQ

Internal :
External :

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Tel.

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YouTube: www.youtube.com/westmidlandspolice

Vision statement - Serving our communities, protecting them from harm

Entered JS 15/10/2019

From: Licensing
Subject: FW: Licensing Act 2003 Premises Licence Variation - Moreish. 337-339 Soho Road. B21 9SD
Importance: High

From: Martin Key
Sent: Tuesday, October 15, 2019 10:47 AM
To: Licensing
Cc: rob.edge; bw.licensing
Subject: Licensing Act 2003 Premises Licence Variation - Moreish. 337-339 Soho Road. B21 9SD
Importance: High

Hi

I, Martin Key, as a representative of Environmental Health, formally raise a representation to the requested variation of the above premises licence application. My representation(s) concern the likely effect of the grant of the licence on the promotion of the licensing objective relating to the prevention of public nuisance.

The application is for variation to Thursday, Friday and Saturday for:-

- Live indoor music between extended from 20.00 – 23.00 to 20.00 – 04.00
- Recorded indoor music between 20.00 – 23.00 to 20.00 – 04.00
- Late night refreshment from 23.00- 23.30 to 23.00 – 04.00
- Alcohol for on sales from 10.00 – 23.30 to 10.00 – 04.00

The applicant has not provided any effective operational controls to address noise or nuisance for this significant extension of operating hours with live and recorded music and given the current hours it is not unexpected that the only existing conditions relevant to nuisance are the requirement for warning signs. In addition the applicant has not submitted a copy of the current licence and plan. I am concerned that the grant of the licence would potentially result in noise nuisance to neighbouring properties due to noise breakout from the building, noise escape from live and recorded music, noise from patrons accessing and egressing the premises and noise and odour from the kitchen extraction system. The applicant suggest that the extension is for regular dominoes league meetings but I note that the premises signage advertises availability for party booking. I have seen draft conditions that have been proposed by the police (which have yet to be finalised+ but these do not address my concerns.

The planning permission for the site was issued in 2012 and was limited to a 23.30 terminal hour due to the concerns over impact on the residential amenity and there are outstanding conditions related to noise and odour on this planning permission that have not been discharged. I am concerned that the hours of use for such a small building with no noise mitigation measures in the building design, located in an area with adjacent residential use are not appropriate:

The application is for operations that do not benefit from planning permission, lacks any effective controls to mitigate potential impacts and given the location and design of the premises and the requested scope and hours of this application I would recommend refusal of the application on the basis that it would not meet the licensing objective relating to the prevention of public nuisance. I do not believe that this concern can be dealt with solely by the use of appropriate conditions.

Best Regards

Entered to 16/10/19

From: Councillor Chaman Lal
Sent: 15 October 2019 17:02
To: Licensing
Subject: RE: Objection to Licensing variation application number 112726 Moreish 337-339
Soho Road , Handsworth , B21 9SD

Dear Licensing Committee

I wish to object to the Licensing variation application 112726 for late night opening to the public, serving refreshments, sale of alcohol, playing of live and recorded music until 4am on the grounds of public nuisance to the local residents.

The Soho Road already suffers from prostitution , anti- social and criminal behaviour which could get worse by allowing licensed premises to stay open late night/early morning attracting criminals to the area.

Kind regards.

112726
Beps 6/10/15.10.19

Application to vary a premises licence 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 Mr Ransford Gordon

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
3977

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
337-339 Soho Road, Handsworth,			
Post town	Birmingham	Postcode	B21 9SD
Telephone number at premises (if any)		N/A	
Non-domestic rateable value of premises		£19,750	

Part 2 – Applicant details

Daytime contact telephone number		<p>BCC REGULATION & ENFORCEMENT LICENSING SECTION</p> <p>DATE RECEIVED</p> <p>REF NO 009478/000359</p> <p>INITIALS f 190 cc</p>	
E-mail address (optional)			
Current postal address if different from premises address			
Post town			
		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? ☒ Yes

☐
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY	

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

The restaurant is generally used by those of 35 years and over, and has a regular weekend "dominoes" league, with away team travelling from afar.

Extending the hours for :

- Sale & Supply of alcohol
- Regulated Entertainment
- Late Night Refreshment

on Thursday, Friday and Saturday from 2330 hrs to 0400 hrs

The addition of some extra conditions as listed, to be included in the operating schedule.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) 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 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 5)</u>		
Tue					
Wed			<u>State any seasonal variations for performing plays (please read guidance note 6)</u>		
Thur					
Fri			<u>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 7)</u>		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	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 5)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
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 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)</u>		
Wed			<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 (please read guidance note 7)</u>		
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed					
Thur	2300	0400			
			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 7)		
Fri	2300	0400			
Sat	2300	0400			
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
Thur	2300	0400			
Fri	2300	0400	<u>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 7)</u>		
Sat	2300	0400			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
			State any seasonal variations for the performance of dance (please read guidance note 6)		
Wed					
Thur					
			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 7)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			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 4)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)	
Wed				
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)	
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 7)	
Sun				

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur	2330	0400			
Fri	2330	0400	<u>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</u> (please read guidance note 7)		
Sat	2330	0400			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon					
Tue					
Wed					
Thur	2330	0400			
Fri	2330	0400			
Sat	2330	0400			
Sun					
			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 7)		

K

<p>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 10).</p> <p>Not applicable</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	1000	0000	
Tue	1000	0000	
Wed	1000	0000	
Thur	1000	0400	
Fri	1000	0400	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 7)
Sat	1000	0400	
Sun	1000	0000	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Amend the current condition "Last entry to the premises will be 2200 hours" to now read "Last entry to the premises will be 2300 hours"

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☒

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

The restaurant is generally used by those of 35 years and over, and has a regular weekend "dominoes" league, with away team travelling from afar.

b) The prevention of crime and disorder

It wishes to amend the licence current condition "Last entry to the premises will be 2200 hours" to now read "Last entry to the premises will be 2300 hours"

Staff training will be both comprehensive and reviewed on a regular basis; with records being retained at the premises; and made available for inspection by any Responsible Authority at reasonable notice

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Challenge 25 - A strict Challenge 25 will be in place and posters will be prominently displayed.

Staff training will be both comprehensive and reviewed twice yearly; with records being retained at the premises; and made available for inspection by any Responsible Authority at reasonable notice.

Children will not be allowed on the premises after 2130 hrs, except when there is a

private function; and only then when accompanied by an adult.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☐
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	16 September 2019
Capacity	Agent on behalf of the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Rob Edge
Licence Leader Ltd

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

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LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

3977 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description	
Moreish 337-339 Soho Road Handsworth	
Post town:	Post Code:
Birmingham	B21 9SD
Telephone Number:	
Not Specified	

Where the licence is time limited the dates
N/A

Licensable activities authorised by the licence	
E	Live music
F	Recorded music
L	Late night refreshment
M1	Sale of alcohol by retail (on the premises)

The times the licence authorises the carrying out of licensable activities			
Sunday - Thursday	10:00	-	23:30 M1
	20:00	-	23:00 E ,F
Friday - Saturday	10:00	-	23:30 M1
	20:00	-	23:00 E ,F
	23:00	-	23:30 L

The opening hours of the premises			
Monday - Thursday	07:00	-	23:30
Friday - Saturday	07:00	-	00:00
Sunday	10:00	-	23:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
On Supplies Only

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Ransford Gordon	
Post town:	Post Code:
Telephone Number: Not Specified	
Email	
Registered number of holder for example company number or charity number (where applicable) N/A	
Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Janice Jeffers	
Post town:	Post Code:
Telephone Number: N/A	
Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number 6837/1	Issuing Authority BIRMINGHAM CITY COUNCIL

Dated 04/07/2013

Carolyn Bennett
Senior Licensing Officer
For Director of Regulation and Enforcement

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Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises— (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to— (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise); (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either— (a) a holographic mark, or (b) an ultraviolet feature.

The responsible person must ensure that— (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures— (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. (2) In this condition:— (a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where— (i) P is the permitted price, (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol; (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence— (i) the holder of the premises licence, (ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence; (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994. (3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the

BIRMINGHAM CITY COUNCIL

price rounded up to the nearest penny. (4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Each individual assigned to carrying out a security activity must be licensed by the Security Industry Agency.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

No enforceable conditions identified from operating schedule.

2b) Conditions consistent with, and to promote the prevention of crime and disorder

No enforceable conditions identified from operating schedule.

2c) Conditions consistent with, and to promote, public safety

No enforceable conditions identified from operating schedule.

2d) Conditions consistent with, and to promote the prevention of public nuisance

No enforceable conditions identified from operating schedule.

2e) Conditions consistent with, and to promote the protection of children from harm

No enforceable conditions identified from operating schedule.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

Training - The Licence Holder shall ensure appropriate staff training to be satisfactorily completed and recorded. Training records can be made available for inspection upon reasonable request by a relevant officer of a Responsible Authority.

3b) Committee conditions to promote the prevention of crime and disorder

CCTV - To be installed to the specifications and locations of West Midlands Police (Licensing Department at Steelhouse Lane Police Station)

CCTV - To be recording at all times premises are open for any licensable activity. Whichever system used, all images are to be held for a minimum of 28 days.

CCTV - All images held are to be available immediately on request by any of the responsible authorities.

For any non-standard night, the DPS will provide risk assessment of the night/event to West Midlands Police (Licensing Department at Steelhouse Lane Police Station) at least 28 days before the event, or less with agreement between DPS and the Police.

Door Supervisors - SIA registered door staff will be used from 2100 hours to closing time, Monday to Sunday. All door staff working at the premises are to sign on duty when they start work and off duty when they finish.

Door Supervisors - When door staff are used, the premises will retain a profile of all door supervisors that have worked at the premises in the last three months.

A profile will consist of proof of ID (copy passport, photo driving license, SIA badge) and proof of address dated within the last 6 months (copy bank statement, utility bill etc). No proof of address needed if proof ID is photo driving license.

Door staff profiles must be retained at the premises and be made available for inspection immediately on request of any the responsible authorities.

Door staff will work past the closing time of the premises for a period until all patrons have dispersed from the locality. Door staff will patrol areas around collection points for taxis by the premises to prevent disorder.

Last entry to the premises will be 2200 hours.

The premises will have an incident book and record all incidents that occur inside or immediately outside the premise, irrelevant if any of the emergency services have been called. This incident book can be inspected at any time by any regulatory body.

Where an event takes place using any of the licensable activities with an external promoter then the DPS must give notification to (Licensing Department at Steelhouse Lane Police Station) at least 28 days before the event on the first occasion, and any other occasion where the same promoter is used for a different event.

Recommendations will be provided in writing and will become conditions for use of that event. These recommendations must be retained by the premises for inspection.

3c) Committee conditions to promote public safety

N/A

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3d) Committee conditions to promote the prevention of public nuisance

Nuisance - The applicant shall erect prominent, clear and legible signage inside the premises requesting patrons to be considerate of local residents when entering or leaving the premises and to only use the designated smoking area within the curtilage of the premises.

3e) Committee conditions to promote the protection of children from harm

N/A

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Annex 4 – Plans

The Plan of the premises with reference number **81571-3977/1 (Drawing No 0712-1407)** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection by appointment only. Please ring the Licensing Section on 0121 303 9896 to book an appointment.

Site Operations & Training Manual

This Operation Training Manual contains instructions and guidance covering policies and procedures. The intention of this manual is to:

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

The Training Regime

Either the Licensing Consultant, PLH or DPS will train all on-site staff. They will be required to read the training material provided and then satisfactorily pass the subsequent test before being authorised to sell alcohol. It is important that all staff members understand this information, should a staff member not satisfy the trainer 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 twice per year; to sell alcohol and some refresher quizzes will take place in order to ensure staff are kept up to date with current legislation.

Due Diligence Measures

- Training Statement, 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 Designated Premises Supervisor (DPS).

All staff training will be recorded as well as individual staff authorisations to sell alcohol. All staff will be issued with their own confirmation of having received their initial training, keeping the originals for premises records, and being made available to Responsible Authorities as required.

All current staff listed on the authority record and it will 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 they are re-authorised to sell alcohol on a regular basis this should form part of their refresher training and they are indicating by signing the authority sheet again that they are still fully conversant with the legislation relating to the sale of alcohol.

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

Premises licence – Licensable Activities

You can only carry out the sale of alcohol off the premises during the licensable hours of the premises licence. There are large penalties for those selling outside permitted hours, plus a possible review of the premises may be called.

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 you have been authorised to do so by a personal licence holder. It is an offence to sell alcohol to anybody from premises without a premises licence and/or without a named Designated Premises Supervisor who is in possession of a personal licence.

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 holder of the premises licence
- The Designated Premises Supervisor (DPS) if any, for the Premises Licence
- An individual aged over 18 authorised in writing to sell alcohol for consumption on or 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. The premises will operate a Challenge 25

scheme, and this will be a condition of our licence, then each customer wishing to purchase alcohol who is unknown to the staff 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

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 serious 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 can be taken to court and may be prosecuted. They could also lose their job.

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 of £90 if under age sales are made.

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 down. 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.

Staff Guidance - 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.

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. Don't 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 company policy of **'no proof of age, no sale.'**

Staff Training

Staff member [Full name]	
DPS or Personal Licence Holder delivering training [Full name]	

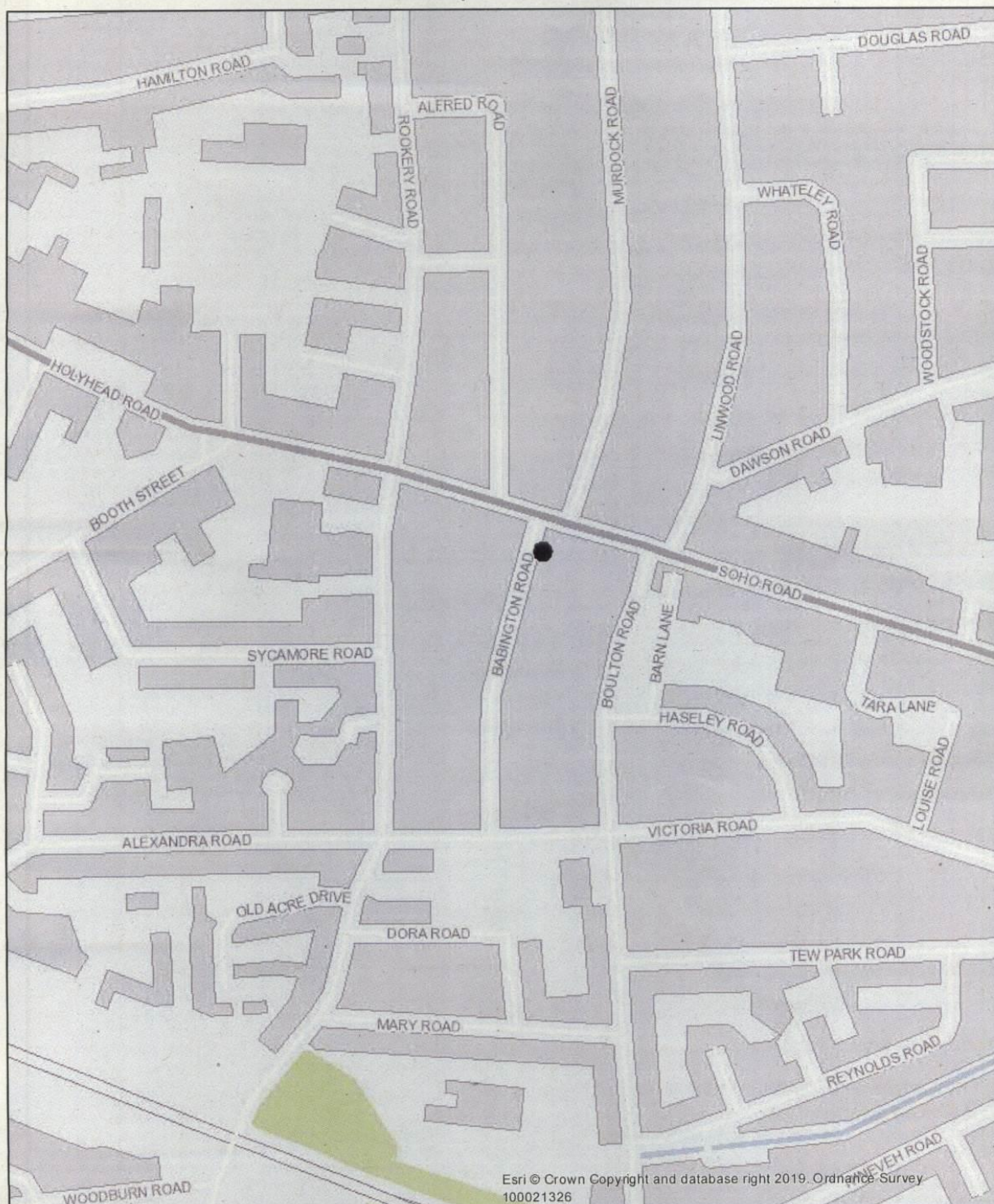
A new checklist will be used to record when;

- 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.

1. What the law says about selling alcohol & the penalty staff and the business can face if an underage sale occurs?	
2. That the premises has to have a licence to sell alcohol. That staff 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.	
3. 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.	
4. Why selling alcohol underage and underage drinking is a problem for local communities, as well as the harm caused to underage drinkers themselves?	
5. What our policy is for challenging customers for proof of age? Challenge 25	
6. What our policy is, for the types of proof of age (ID) staff should accept?	

7. How to operate the 'till prompt' system installed?			
8. The signs to look out for that the customer may be buying alcohol for others who are underage ('Proxy purchasing')?			
9. What staff should do if they suspect the person they are serving is a 'proxy purchaser'?			
10. 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?			
11. Why it is important to record incidents/refusals to sell?			
12. The law that staff under the age of 18 are not allowed to sell alcohol to anyone and the consequences for breaking this law?			
13. 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).			



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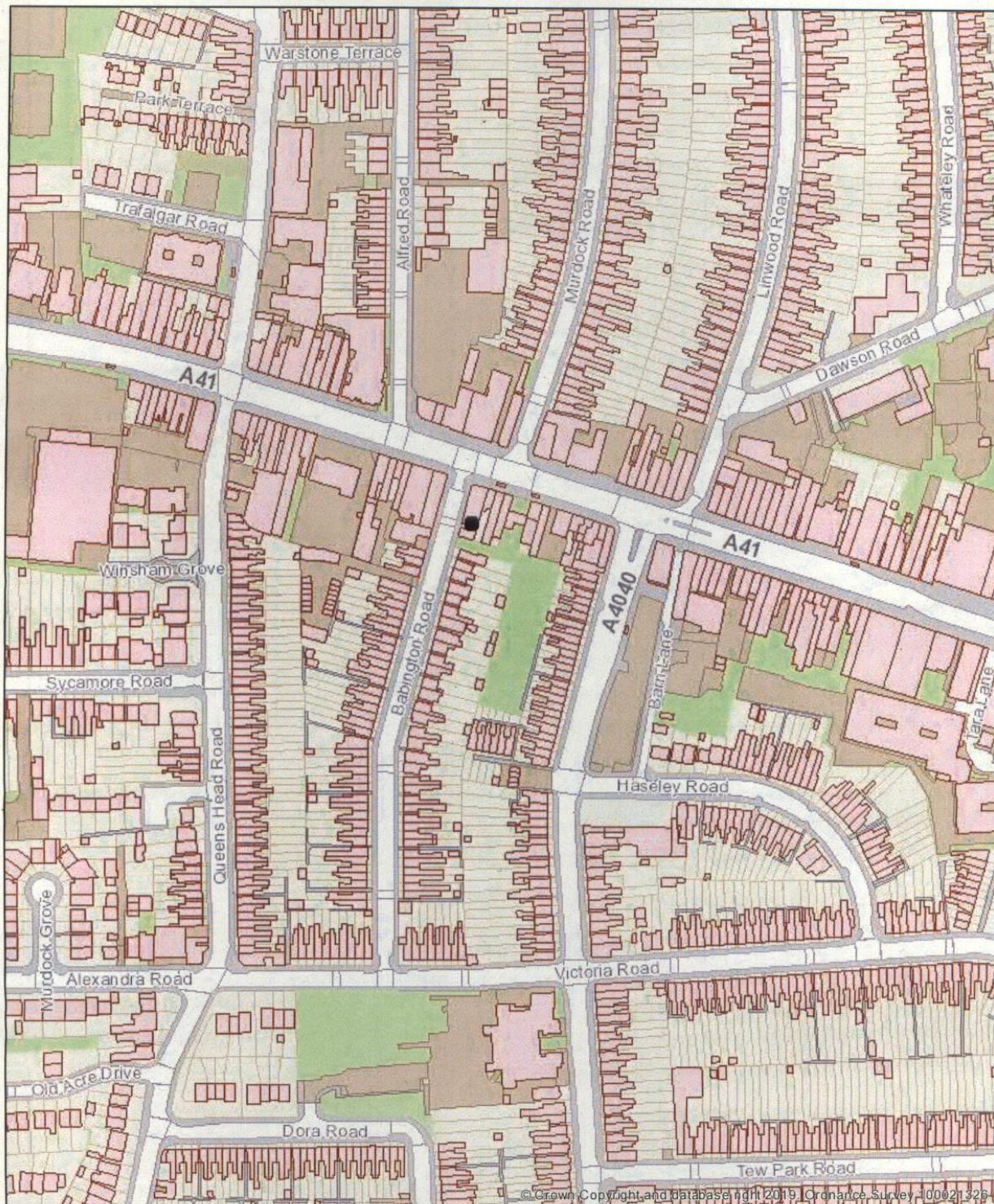
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Scale: 1:4,000





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City Council

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Map Created By:

Scale: 1:2,500

