

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B

TUESDAY, 25 AUGUST 2020 AT 10:00 HOURS
IN ON-LINE MEETING, MICROSOFT TEAMS

Please note a short break will be taken approximately 90 minutes from the start of the meeting and a 30 minute break will be taken at 1300 hours.

A G E N D A

1 **NOTICE OF RECORDING**

Chairman to advise meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 **DECLARATIONS OF INTERESTS**

Members are reminded that they must declare all relevant pecuniary and non pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

3 **APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS**

3 - 20

4 **MINUTES**

To confirm and sign the Minutes of the meetings held on 7 July 2020 and 28 July 2020.

21 - 92

5 **LICENSING ACT 2003 PREMISES LICENCE – GRANT PEPE'S PIRI PIRI,
439 BIRMINGHAM ROAD, SUTTON COLDFIELD, B72 1AX**

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

6 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

BIRMINGHAM CITY COUNCIL

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| LICENSING SUB-COMMITTEE B 7 JULY 2020 |
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 7 JULY 2020 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Nagina Kauser in the Chair;

Councillors Nicky Brennan and Adam Higgs.

ALSO PRESENT

Shaid Yasser – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

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

NOTICE OF RECORDING/WEBCAST

- 1/070720 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/070720 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/070720 No apologies were submitted.

MINUTES

4/070720 The minutes of meeting held on 2 June 2020 were circulated and confirmed and signed by the Chair.

GAMBLING ACT 2005 PREMISES LICENCE – GRANT - MERKUR SLOTS, 220 HIGH STREET, ERDINGTON, BIRMINGHAM, B23 6SJ.

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

(See document No. 1)

On Behalf of the Applicant

Philip Kolvin – QC
Richard Bradley – Poppleston Allen.
Amanda Kieran – Head of Compliance, Cashino Gaming Limited.
Andy Tipple – Head of Product, Cashino Gaming Limited.
Gill Clulow

Those Making Representations

Paddy Whur – Barrister, representing objectors.
Abbass Karimjee – Objector

* * *

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

At which stage Paddy Whur asked who the email was from at page 183 within the report. Shaïd Yasser, Licensing Officer confirmed that the email was submitted as additional information from the objector at Appendix 8 within the report.

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

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

- a) That his client had submitted a lot of information and subsequently no objection was received by WMP, who were the anti-social behaviour and crime lead. Additionally, no objections had been received from any other responsible authorities, including the Child Protection Authority, Licensing Authority and the Gambling Commission. There were also no objections from local ward Councillors.

- b) If the concerns had been significant, one would have expected to have seen objections from at least one of the above.
- c) That the applicant was one of the most experienced and largest gaming companies in the United Kingdom. Suitability was not an issue.
- d) That his client operated to a standard of excellence and had never had a review of any of the 160 UK licensed premises, demonstrating that they promoted the licensing objectives.
- e) The client also planned operations well, trained staff and responded to potential issues identified, in the appropriate way. They had good working relationships with responsible authorities (RA) and customers in order to protect the licensing objectives.
- f) They also subjected themselves to audits from field-based audit and compliance officers to ensure everything was up to the mark.
- g) The main objection seemed to be that the premises would generate crime and disorder – however, his client's premises did not generate crime and disorder and incidents at their premises were extremely rare.
- h) The demographic was different to that of a betting office. This premises would attract mainly women who would enjoy drinking tea and eating snacks.
- i) Staff would walk the premises and engage with customers, which would be a good security measure.
- j) An ASB objection was made to the planning application however, his client had pre-consulted with police as they did for this application and the police's view was that there was nothing to be concerned about, the view was also shared by the planning officer.
- k) Staff were trained actively to monitor the exterior of the premises and had reporting lines with the police. The arrangement would be that they would join 'Bet Watch' and 'Pub Watch' so they were able to understand local issues and respond accordingly.
- l) That licensed Bingo premises were entitled to keep machines running for 24 hours a day, as well as serve alcohol and admit children. Yet his client did none of those things and would close the premises at midnight, not allow children under the age of 18 in the premises and would not serve alcohol. Therefore, the objection in relation to children could 'simply fall away'.
- m) The City Council's Policy made it clear that child protection objective was about stopping children gambling. However, there was no risk of children gambling in the premises.
- n) That SIA door staff were not used in other gaming premises in Erdington. However, if his client opened and felt there was a need to use them, then he would provide them.

- o) The company was professional and complaint and responded appropriately to risk.
- p) The City Council's Policy did not contain restrictions on where these types of premises were located.
- q) On page 54 there was a substantial list of things the applicant may provide in order to promote the licensing objectives.
- r) That his client was already subject to extensive legal obligations as part of the operator's licence.
- s) No responsible authority had sought any further conditions and his client had offered a list at page 54.
- t) They had submitted a competent set of measures to promote the Licensing Objectives.
- u) There was no evidence that the premises would be a source of crime and disorder and the other matters highlighted from the objections were simply not relevant as a matter of law.
- v) That much of the objections had been dealt with by the Planning Authority.
- w) The objections represented by Mr Whur suffered from a number of misconceptions and assumed that the premises would be trading for 24 hours a day, which he confirmed would not be the case.
- x) There was also photographs referring to thin style machines – but they would not be used.
- y) That bingo would not be the primary activity at the premises – that was also wrong, and the primary activity test had been abolished.
- z) That 'tablets' would be used for accessing the game rather than marking numbers on cards.
- aa) There wouldn't be any planned single staffing after 8pm. Staffing would also be risk assessed.
- bb) That his client would liaise with the Licensing Officers if there were concerns about staffing.
- cc) That the concerns about the lighting and style of the premises attracting children, or vulnerable persons would not be necessary as the inside of the premises would not be seen from the outside and the premises would be kitted out as a high-end Bingo premises.
- dd) The risk assessment was a very dense document and covered all the points that the Council Policy requested.

- ee) There had been a refusal for a licence by the operator in Blackpool, however there were also 160 premises granted by the same operator and therefore it was not very relevant.
- ff) That the Council Policy made it clear that there had to be evidence to support the assertion that the premises would impact the Licensing Objectives.
- gg) The application should be granted.

Mr Abbas Karimjee made the following points: -

- a) That Cllr Robert Alden did release an objection at the planning stage.
- b) That the Birmingham Mail released an article on 11 June 2020 which confirmed the objection submitted by Cllr Alden and also further objections from local residents. Therefore, there was a huge body of people who were objecting to the application.
- c) Public Health England raised objections to licensing application and there should be a process where local area profiles are created. In Erdington there was already a huge number of betting and gaming premises and that drained money away from the economy.
- d) That people who submitted these types of applications were relying on bad decision making, especially in deprived areas.
- e) The application would provide some jobs, but the premises would be detracting money away from other places.
- f) The customer always lost in these types of venues.
- g) Newhall Council successfully refused an application on the basis that there were already enough gaming premises in the area.
- h) That customers would bring their own alcohol.
- i) The police did make an objection
- j) That the local PC was quoted as opposing the application in the Birmingham Mail. Therefore, to assume the police were fully supportive was a deviation from the truth.
- k) Erdington had high anti-social behaviour and an excess of homeless people within the area. The application was preying on those individuals.
- l) That Erdington was an area he felt deeply connected to and wanted to work hard. He was seeking BCC's support to help the police deal with the ASB and no one needed to be playing Bingo until 2330 hours.

- m) That his wife didn't feel safe walking down the street and he didn't want anymore people attracted to the High Street late at night.
- n) The situation was unsafe.

The Chair reminded Mr Karimjee that Licensing and Planning were separate regimes and that Cllr Alden had not made an objection to the Licensing application.

Mr Whur, representing some of the objectors, made the following points: -

- a) There were no issues with the operating standards or the current track record. However, this was a new style of operation for the company.
- b) The licence application submitted in Blackpool was refused and he reminded the Committee that they had discretion to refuse the application even without objections from responsible authorities.
- c) That the Committee should consider 'Lara one' and 'Lara two' – Local Area Risk Assessments.
- d) There should be concerns about this style of premises in the proposed physical location.
- e) The first 'Lara' was a weak local risk assessment.
- f) When considering 'Lara two' it was an obvious attempt to tighten up 'Lara' to make a key document for the hearing. There was still mention of the aspiration being to open for 24 hours.
- g) The concern about using tablets is that other games could then be offered.
- h) There were already a significant number of gambling premises and porn brokers in the area, in addition to school and health centres.
- i) He had no issues with Philip Kolvin's submissions or the premises previous track record.
- j) He asked the Committee to consider the style and location of the premises.
- k) Erdington was the third highest area for deprivation within the city.
- l) The initial application submitted to Planning was 24 hours, the staff advertisements were 24 hours, and the 'Lara' stated 24 hours.
- m) The condition at 12 wouldn't necessarily stop the premises from opening beyond midnight. That should be amended.
- n) That single manning of the premises would be difficult due to the layout. There were obvious blind spots and the Committee should look at the plan and consider the layout.

- o) That these types of premises were targeted by criminals and another premises within the local vicinity had been subject to a robbery.
- p) The Committee should assess whether it would be appropriate to grant the licence or exercise their discretion to refuse the licence due to the unsuitable location.

In summing up, Mr Karimjee made the following points: -

- That the local area profile indicated that establishments such as this one drained money from the local community.
- There was already a proliferation of gambling venues in the area.
- He was appealing to the local authority and its decision making.

In summing up, Mr Whur made the following points: -

- That the Committee should use their discretion to consider the points he had already outlined.
- The 5.3 Gambling Commission Guidance should be looked at, as it gave Members ample discretion to decide that the application could be refused and Mr Whur asked them to refuse the licence in those circumstances.

In summing up, Philip Kolvin, on behalf of the applicant made the following points: -

- That the representations had referred to a number of premises and the gambling premises as a trade, but it was not relevant to the hearing.
- There was not a local area profile in Erdington; the Council Policy had not identified one.
- The premises would not be allowing alcohol inside.
- His client intended to have proper supervision of the premises.
- Staff would be continually monitoring the premises, so there was no question of places being unnoticed.
- The Committee could condition that the premises be set out in a way to ensure proper surveillance.
- The robbery mentioned was something that they didn't know anything about, they had tried to make enquiries but had no further information.
- His client always installed proper security systems.

- That the reference Mr Whur made to the Gambling Commission Guidance was in relation to conditions to prevent the premises being associated with crime, however, door supervisors was a matter that would need to be risk assessed. It was not appropriate to attach conditions to that at this stage.
- That the Committee should take into account page 69 of the report.
- The Licensing Authority should aim to permit premises for gambling.
- The orientation was to permit the licence.
- He referred Members to page 71 and outlined the guidance.
- It was straightforward and appropriate that the licence be granted.

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

5/070720

RESOLVED:-

That the application by Cashino Gaming Limited for a Premises Licence (Bingo) in respect of Merkur Slots, 220 High Street, Erdington, Birmingham, B23 6SJ be granted, with a condition that the premises shall close at 00.00hrs each day.

Those matters detailed in the operating schedule and the relevant mandatory conditions under the Gambling Act 2005, and the Gambling Act 2005 (Mandatory and Default Conditions) (England and Wales) Regulations 2007, will also form part of the licence issued, together with those conditions volunteered in advance by the applicant, namely:

1. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points must be covered enabling frontal identification of every person entering in a light condition including customer facing areas. The CCTV system shall continually record whilst the premises are open. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer of the Licensing Authority.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be in the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested and within a

maximum of 24 hours of the initial request.

3. Subject to Data Protection guidance and legislation, the management of the premises will ensure that key staff are fully trained in the operation of the CCTV, and will be able to download selected footage onto a disk/USB Stick for the Police or authorised officers of the Local Authority or UK Border Agency without difficulty, delay or charge.
4. Notices shall be prominently displayed within the premises stating that CCTV is in operation.
5. An incident log shall be kept at the premises and made available on request to an authorised officer of the Licensing Authority or the Police. Details to include:
 - i. all crimes reported to the venue
 - ii. all ejections of patrons
 - iii. any complaints received concerning crime and disorder
 - iv. any incidents of disorder
 - v. all seizures of drugs or offensive weapons
 - vi. any visit by a relevant authority or emergency service.
 - vii. any attempts by children and young persons to gain access to the premises to gamble
 - viii. Any Challenge 25 Refusals.
6. A think 25 proof of age scheme shall be operated at the premises where Any person who appears to be under 25 years of age, and who has not previously provided satisfactory proof to the contrary, is challenged at the point of entry. Acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
7. Signage advertising the aforementioned proof of age scheme shall be prominently displayed throughout the premises.
8. There shall be no pre-planned single staffing at the premises from 20:00 until closing. Should the premises be single staffed after this time, the magnetic door locking system must be in constant use.
9. Individuals who are deemed to be under the influence of excessive alcohol shall not be allowed to enter the premises.
10. The licensee shall participate in local Betwatch or similar scheme to promote knowledge sharing within the local industry, with particular regard to local risk but also to promote best practice.

11. The licensee shall take reasonable steps to prevent nuisance directly outside the Premises.
12. Gaming machines may be provided until 24:00

The Sub Committee deliberated the operating schedule put forward by the applicant and the likely impact of the application, including the volunteered conditions, and concluded that by granting this application, the three licensing objectives contained in the Gambling Act will be properly promoted.

The applicant's representative explained that the company was a highly experienced operator which currently held some 160 licences up and down the country, including six in Birmingham. Whilst the 'Merkur Slots' brand was a new aspect of the business, the company was confident that its considerable experience meant that it could promote the objectives properly, and the Report included a large amount of the company's own management material, detailing their practices and systems.

Bingo sessions were to be the primary activity. The demographic of bingo premise patrons was generally not one that included those likely to create crime, disorder or antisocial behaviour. The proposed operation would not serve alcohol, would not admit those under 18, and would close at 00.00hrs. There would be no single staffing of the premises after 20.00hrs. The Sub-Committee found all of this to be satisfactory.

No objections had been submitted by any of the responsible authorities, or any of the local ward councillors. Members carefully considered the representations made by other persons who attended the meeting to object to the application, but were not convinced that there was an evidential and causal link between the issues raised and the effect on the three objectives. Even considering the backdrop of the Erdington area, there was no reason to suppose that a highly experienced and responsible operator like Cashino Gaming Ltd would be unable to promote the objectives properly.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Principles Gambling Act 2005, the Guidance issued to Local Authorities by the Gambling Commission, the application for a Gambling Act Premises Licence, the written representations received and the submissions made at the hearing by the applicant, its legal adviser and by those making representations.

All parties are reminded that under the provisions contained within Schedule 10 to the Gambling Act 2005, there is the right of appeal against the decision of the Licensing Authority to the Magistrates'

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

GAMBLING ACT 2005 PREMISES LICENCE – VARIATION OF A LICENSED GAMING MACHINE PERMIT – THE TENNIS COURT, WALSALL ROAD, PERRY BARR, BIRMINGHAM, B42 1TY.

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

(See document No. 1)

No one attended.

* * *

The Chairman introduced the Members and officers present and the Chair invited the Licensing Officer to outline the report.

Shaid Yasser, Licensing Section outlined the report.

There were no questions from Members.

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

6/070720 **RESOLVED:-**

That the application by Stonegate Pub Company Limited for the variation of a Licensed Premises Gaming Machine Permit in respect of The Tennis Court, Walsall Road, Perry Road, Birmingham, B42 1TY be granted.

The Sub Committee deliberated the application, including policies and procedures, put forward by the Stonegate Pub Company Limited, and the likely impact of the application, and concluded that by granting this application, the three Licensing Objectives contained in the Act will be properly promoted.

The Members noted in particular that no representations had been made by Licensing Enforcement. The documents in the Report reassured the Sub-Committee that the applicant was an experienced operator which was mindful of its responsibilities.

Licensing Sub-Committee B – 7 July 2020.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Principles, the Guidance issued under Section 25 of the Gambling Act 2005 by the Commission, and the application for the variation of a Licensed Premises Gaming Machine Permit.

All parties are reminded that under the provisions contained within Schedule 13 to the Gambling Act 2005, the applicant has the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

Please note, the meeting ended at 1207.

BIRMINGHAM CITY COUNCIL

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| LICENSING SUB-COMMITTEE B 28 JULY 2020 |
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MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE B HELD ON TUESDAY 28 JULY 2020 AT 1000 HOURS AS AN ON-LINE MEETING.

PRESENT: - Councillor Nagina Kauser in the Chair;

Councillors Nicky Brennan and Adam Higgs.

ALSO PRESENT

Bhapinder Nandhra – Licensing Section
Joanne Swampillai – Legal Services
Katy Townshend – Committee Services

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

NOTICE OF RECORDING/WEBCAST

- 1/280720 The Chairman advised, and the Committee noted, that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site (www.civico.net/birmingham) and that members of the press/public would record and take photographs except where there are confidential or exempt items.

2/280720 **DECLARATION OF INTERESTS**

Members were reminded that they must declare all relevant and pecuniary and non-pecuniary interests arising from any business to be discussed at this meeting. If a disclosable pecuniary interest is declared a Member must not speak or take part in that agenda item. Any declarations will be recorded in the minutes of the meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/280720 No apologies were submitted.
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LICENSING ACT 2003 – TEMPORARY EVENT NOTICE – 31 ASHFURLONG CRESCENT, SUTTON COLDFIELD, B75 6EN.

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

(See document No. 1)

On Behalf of the Applicant

Amy Losak – Applicant

Those Making Representations

Paul Samms – Environmental Health – (EH)

* * *

The Chairman introduced the Members and officers present then explained the hearing procedure prior to inviting the Licensing Officer, Bhapinder Nandhra to outline the report.

Afterwards, the Chairman invited the applicant to make their submission. At this stage Amy Losak made the following points: -

- a) That she had spoken with Paul Samms and taken his points on board in terms of the Covid-19 risk assessment and she had been working with the owners of the property and she felt as though they had put everything in place.
- b) She was trying to manage the risks as best she could.
- c) There were only 21 people attending.
- d) It was a small birthday party, with the main feature being cocktails in the garden. There would be a pop-up bar to serve drinks between 2-5pm. She had applied for extra time on the TEN to cover herself.
- e) She was working with the property owners to ensure a one-way system with people arriving through the front door and exiting through the back door. They were going to stagger the arrival times to ensure people were able to socially distance. There would be sanitising stations and no cash, as everything was pre-paid.
- f) It was a private event for friends and family. If numbers did go over the target, she would raise it with the owners and stop serving everyone until the numbers decreased. The 21 people had been invited and had pre-paid for a package.

g) She would be the only member of staff – so 22 people in total.

At this stage Paul Samms on behalf of EH made the following points: -

- a) That he had been liaising with the applicant via email especially regarding a Covid-19 risk assessment as there were two issues with it. He was concerned about Amy Losak having to ask the home owners to put measures in place, but he was glad to hear she would cease operation if the numbers went over the specified amount.
- b) It was not a normal venue where stewards would be present to ensure people complied with the measures put in place. It was someone's home and, as such, the home owner had all the power, so if people didn't comply with the risk assessment he thought it was unlikely that they would turn their friends away.
- c) That would increase the pressure on the applicant.
- d) He did not think it should go ahead.

Neither party had any closing submissions to make.

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

4/280720

RESOLVED:-

That, having considered the objection notice from Environmental Health in respect of the temporary event notice as submitted by Amy Lasok, the premises user (or 'applicant'), for an event to be held on 2nd August 2020 at 31 Ashfurlong Crescent, Sutton Coldfield, B75 6EN this Sub-Committee determines that a Counter Notice be issued under section 105 of the Licensing Act 2003.

The Sub-Committee's reason for issuing a Counter Notice is to prevent the temporary event from taking place, in order to promote the public safety licensing objective in the Act, during the ongoing Covid-19 pandemic. The Sub-Committee was of the opinion that allowing the event to proceed ran the risk of undermining the official guidance issued by HM Government and published on the "gov.uk" website, entitled "*Meeting people from outside your household from 4th July 2020*".

The applicant attended the meeting and addressed the Sub-Committee. The event was to be a birthday party. She was a sole trader whose company had been engaged to provide the alcohol (in the form of a "pop-up" cocktail bar) at the birthday party, to be held in a customer's own back garden. She stated that it would be a small party of 21 people, plus herself serving the alcohol, making 22 people in total. The party guests would be from three households; two of the

three households had formed a so-called 'bubble' together, following the general advice issued by HM Government during the pandemic. She said that she had worked with the householder to set up the arrangements for the event, and assured the Sub-Committee that she would police the numbers and stop serving if the numbers were exceeded.

Although due regard was given to the applicant's representation, the Sub-Committee was not confident that the proposed event could run safely, or that the applicant could overcome the concerns raised relating to the official guidance, in light of evidence presented by the Responsible Authority attending the meeting, namely Environmental Health.

The Environmental Health officer addressed the Sub-Committee and explained that although he had had discussions with the applicant, and had assessed all the submitted risk assessments, he remained concerned that the Covid-19 risk assessment did not comply with the HM Government guidance. The issue was how there could be compliance in such a small area, namely the garden of a residential property, as shown on the site location plans in the Report.

The officer observed that the applicant, who operated her business as a sole trader, would be the only staff member on duty in the customer's private garden; it would not be a commercial venue where stewards would deal with non-compliance. Whilst the applicant had confirmed to the Sub-Committee that she would be the person who would ultimately have responsibility for the implementation of the Covid-19 protection measures, the wording in the application was that the applicant would "ask" the householder to do certain things; the Environmental Health officer surmised that there was a distinct possibility that the householder, hosting a birthday party in their own garden, might not in fact comply.

The Environmental Health officer also remarked that in the event that the householder did not comply with the risk assessment, there was doubt as to whether the applicant would be willing or able to enforce it – for example in relation to the arrangements to operate staggered arrival times. The Environmental Health officer raised the issue of whether the applicant really would order those guests who might arrive early for the birthday party to wait outside until their scheduled entry time; the officer felt that this was highly unlikely. The Sub-Committee agreed with this, observing that the party would be held in a private garden of a residential property, not a commercial venue. The Sub-Committee noted that the householder did not attend the meeting, and therefore the Members were unable to seek reassurance from the householder. The recommendation of the Environmental Health officer was that the Sub-Committee reject the temporary event notice.

The Sub-Committee was satisfied that on the balance of probabilities there would be a risk to the public safety objective if the proposed event went ahead, as it was likely that the event would not uphold the Covid-19 guidance. The Sub-Committee therefore determined that the correct course was to issue a Counter Notice.

Licensing Sub-Committee B - 28 July 2020.

The Sub-Committee has had regard to the evidence, argument and submissions placed before it, in addition to the Report, the section 182 Home Office Guidance, and its own statement of licensing policy.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision. No appeal may be brought later than five working days before the day on which the event period specified in the Temporary Event Notice begins.

Please note, the meeting ended at 1027.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

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| Report to: | Licensing Sub Committee B |
| Report of: | Interim Assistant Director of Regulation & Enforcement |
| Date of Meeting: | Tuesday 25th August 2020 |
| Subject: | Licensing Act 2003 Premises Licence – Grant |
| Premises: | Pepe's Piri Piri, 439 Birmingham Road, Sutton Coldfield, B72 1AX |
| Ward affected: | Sutton Wylde Green |
| Contact Officer: | Bhapinder Nandhra, Senior Licensing Officer licensing@birmingham.gov.uk |

1. Purpose of report:

To consider representations that have been made in respect of an application for a Premises Licence which initially sought to permit the provision of Late Night Refreshment, to operate both indoors and outdoors, from 11:00pm until 3:00am (Monday to Sunday).

Premises to remain open to the public from 12:00midday until 3:00am (Monday to Sunday).

After discussions with West Midlands Police and Environmental Health, the applicant has agreed to amend the scope of the application with the premises to remain open to the public from 12:00midday to 12:30am (Monday to Sunday), with deliveries only to 1:00am.

2. Recommendation:

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

3. Brief Summary of Report:

An application for a Premises Licence was received on 3rd July 2020 in respect of Pepe's Piri Piri, 439 Birmingham Road, Sutton Coldfield, B72 1AX.

Representations have been received from other persons.

4. Compliance Issues:**4.1 Consistency with relevant Council Policies, Plans or Strategies:**

The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

My Shop 7 Limited applied on 3rd July 2020 for the grant of a Premises Licence for Pepe's Piri Piri, 439 Birmingham Road, Sutton Coldfield, B72 1AX.

Representations have been received from other persons. See Appendices 1 - 7.

The application is attached at Appendix 8.

Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 9.

Conditions have been agreed with Environmental Health and the applicant, which are attached at Appendix 10.

Site Location Plans at Appendix 11.

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

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

6. List of background documents:

Copies of the representations as detailed in Appendices 1 - 7
Application Form, Appendix 8
Conditions agreed with West Midlands Police, Appendix 9
Conditions agreed with Environmental Health, Appendix 10
Site Location Plans, Appendix 11

7. Options available

To Grant the licence in accordance with the application.
To Reject the application.
To Grant the licence subject to conditions modified to such an extent as considered appropriate.



Birmingham City Council
Councillor Alex Yip JP
Council House
Victoria Square
Birmingham
B1 1BB



**RE: Licensing Act 2003 Pepe's Piri Piri, 439 Birmingham Road, Sutton Coldfield,
B72 1AX Licensing Application No: 115724**

Planning Department,

As the elected member for Sutton Wyld Green I feel a huge duty to represent and advance to the best of my ability the overwhelming objections, concerns, fears and opposition of local residents to the proposal of the Pepe Piri Piri shop to extend their opening hours through till 3am.

Background:

Wyld Green is a predominantly residential area surrounded by schools and residential homes directly on and immediately around the corner off the main Birmingham Road. There are residential roads homes a mere 70m walk away- some 40m radius- from the applicant on Harman Road.

Crucially and I wish to emphasize this: Currently NO food or drink businesses in the Wyld Green Ward deliver, serve food or open past 11.30pm with most closing at 11pm.

The main pub- The Yenton just on the border of the ward serves which food and alcohol- even this establishment is obliged to close by midnight. There are no food production activity at restaurants, cafes or eateries for eat in or delivery anywhere after midnight.

On the Chester Road, the main Macdonalds and the eateries and takeaways on that vicinity also do not open past midnight.

The reason for this is abundantly clear- the prevention of public nuisance in a predominately residential area, the maintenance of the current low level of public nuisance, disorder, noise and late night activity and the prevention of crime and disorder.

Prevention of Crime and Disorder:

The ward has already seen an increase in general antisocial behavior over recent years escalating noticeably since the arrival of two fast food eateries in 2018.

You will see from the substantial email correspondence I have received below, litter caused from the businesses is a substantial and real concern for residents- which clearly qualifies as disorder. On a weekly basis I receive emails complaining specifically about the branded Pepe Piri Piri litter, little containers of sauces strewn across the ward from Birmingham Road to Green Lanes, from Orphanage Road down to the railway line to the West. This clearly constitutes antisocial behavior and further strictly speaking is a crime and one which I have sentenced people in the Magistrates Court for. Littering is a criminal offence with a maximum fine of £2,500 with Fixed Penalty Notices (between £50-80) most often used. Littering costs the Council a lot of money to resolve and even Community Protection Notices can also be used to address continuing or persistent littering.

Littering is not just a minor offence and this clearly establishes that this establishment has already been the cause of public nuisance, frustration to the local public, and (according to strict definition of the legislation) has led to crime and disorder. The extension of opening hours will increase this.

Of more concern is evidence of drug dealing around The Lanes, behind the shops on Birmingham Road and a substantial proliferation of hundreds of Nitrous Oxide canisters which we have found strewn across the ward. Syringes, small dealing plastic bags have been found in a radius around Pepe's Fino Fino. In recent weeks the 'Saint' graffiti tags have appeared the length of Birmingham Road numbering around 20 'tags'. These were removed by Council and enterprising residents with pride in their ward. Vehicles parked up on the side of the road have smells of cannabis coming from them.

The availability for delivery for convenient fast food after midnight through to 3am will undoubtedly appeal and attract further. It has clearly been demonstrated that in our area the new presence of such eateries has seen an increase antisocial behavior in the area. An increase in trading hours will undoubtedly further increase this.

Prevention of Public Nuisance:

An extension of trading hours will necessitate delivery drivers congregating in the front of the businesses. This will inevitably attract individuals who will congregate around the vicinity of the business.

Already we are seeing late night drivers congregating at The Lanes car park and in front of the other fast food delivery establishments attracted by the same; Piri Fino directly opposite to Pepe's Fino Fino through to the late hours.

The presence of these two new such establishments on the major arterial route has definitely attracted undesirable characters congregating late at night and a lot of the evidence points towards an increase in drug dealing, cruising, noise and certainly litter created by customers eating within their vehicles and then discarding onto the street.

The presence of the taxi company on the Chester within sight of the applicant is also a cause for deliveries to waiting taxi's waiting on Harman and Florance Road, with taxi drivers then eating food in their cars, discarding the waste directly on the road so that their vehicles do not smell, and then driving off.

"Delivery Only" Response.

During lockdown, when businesses were operating a delivery only service, we have seen establishments such as KFC 'deliver' directly to their own carpark with customers waiting in their vehicles. This is smart work-around for customers determined to get a late-night delivery and while there is nothing wrong with this from a business perspective, it will not serve the local residents well with regards to the prevention of public nuisance. This is a proven workaround to the 'delivery only service' direct to customers waiting outside. With the increasing use of phone applications enabling swift deliveries to be ordered, I can easily envisage deliveries to parked vehicles nearby thus neatly circumventing and not breaching the conditions proffered.

Public Safety, Protection of Children from Harm.

I will be a stretch to consider the granting of this license would constitute an immediate public safety risk. I would however ask Planning to consider the further change to the character of ward that this breaching of the Midnight fast-food watershed for delivery will make will be sending a terrible signal to residents and children who we are supposedly encouraging to eat more healthily. This long term 'protection of children from harm' should be considered in line with government and Council's efforts for children to eat more healthily.

Other considerations:

I appreciate that my following remarks may fall more within a planning remit, however I believe it is important for Planning to properly consider this as part of a 360degree view of the license application being considered, so that the full impact of their decision will borne in mind and that the responsibility and consequences to this will not passed down the line away from yourselves.

I and residents do not wish to see this residential ward slowly turn into a night-time active High Street more resembling Birmingham's Broad Street than a friendly quiet local High Street. The name of the ward itself makes clear the identity of the ward and the names of local streets its character. The breaching of this midnight food production watershed will inevitably mark the beginning of other applications which once the precedent has been set will be hard to further resist which in totality will irrevocably destroy the community and residential nature of the ward.

I am asking Licensing to bare this carefully in mind.

Response to conditions proffered:

I also note how the business understandably is seeking to improve their business, income and sustainability in these trying times and following entrepreneurial spirit. I of course support the local business and the employment it creates and the service it offers. I note the aspiration of any growing business and believe this application is an attempt to push at the limits of what is currently allowed to test the boundaries which I fully appreciate is their right. I understand that conditions put forward include that there will be no alcohol served on site, a restriction on drivers from waiting or congregating in the premises after 00.30, that vehicles will not be allowed to run their vehicles while waiting for a delivery of play music, a restriction on age of customers after 11pm and the presence of CCTV.

I believe these conditions are not sufficient to assuage my and residents' concerns on public safety, antisocial behavior and an increase in crime, as well as a change to the nature of the ward beyond tolerable levels.

Having been a self employed takeaway owner myself I am in a unique position over anyone else to comprehensively state that the restrictions on drivers from keeping their vehicles on/ not playing music, from congregating, or going into the premises will be impossible to enforce and comply with, unrealistic and a undeliverable promise.

This is for the simple reason that during the winter months vehicles will be cold and drivers will need to occasionally use the facilities. To expect multiple drivers and their other delivery friends, plus any passengers to all sit individually in their vehicles without exiting and socializing together, in silence without any music playing or turning their vehicles for engine warmth is utterly unrealistic.

While I note the condition offered as a positive gesture, my experience in this industry utterly tells me comprehensively this will not be possible. Drivers as normal human beings being asked to sit in a vehicle for hours on end will socialize, will bring friends for company, will get to know their other delivery friends. Noise will increase to unacceptable levels, and the visual of multiple vehicles and individuals 'hanging around' waiting, will only further attract undesirables and lower the tone of the area. This in turn will lead to further lowering of the general safety and amenity of the area which as a background context will make the area more susceptible to higher crime and antisocial behavior.

I accept that this will not be overnight. This will however definitely mark a watershed moment and the beginning of a new change in the ward once this principle of late night deliveries has been established. We all are aware how planning conditions soften in time, enforcement is overlooked and what was once unacceptable and rare soon becomes persistent and ever present.

From my experiences as a Birmingham Magistrate the presence of CCTV is no longer the deterrent it once was. Individuals who are so minded to cause a disturbance are more likely to cover themselves up, be aware of their location and take steps to minimize their effect. CCTV

as a means to assist in any prosecutions will be after the fact and so should not be a consideration for the committee as any incident will have already occurred and is what we are seeking to avoid.

Summary:

I started the petition in response to the pleas by some residents in the ward to be more proactive in resisting the application. I have not especially pushed it, gone door-to-door, or actively circulated it beyond any normal means. Despite this, through word of mouth it has accumulated a substantial number of objections. I ask license Committee to carefully and responsibly consider as a priority the views, concerns, fears at times, and comments by local residents. Council must be minded to consider and listen to the views of residents as well as the intentions and aspirations of the applicant.

I am asking license and members to carefully consider the long term impact these changes will have to the ward in changing the nature of the residential area which will increase antisocial behavior and crime.

I also ask License to read carefully the emails I have received directly from residents, a group letter submission by residents on Florence Rd alongside my own submissions.

I note the conditions put forward but do not feel any would adequately alleviate the concerns of residents and myself as their elected representative. The only condition possible would be to limit the opening hours to midnight.

Thank you for your time and consideration.

Sincerely,

Cllr Alex Yip JP

Sutton Wylde Green Ward
Birmingham City Council

Attached:

- Change.org petition: 750 supporters.
- Letter from residents on Florence Road:
[REDACTED] Florence Road
[REDACTED] Florence Road

S [REDACTED] Florence Road
[REDACTED] Florence Road
[REDACTED] Florence Road
[REDACTED] Broadfields Road
[REDACTED] Florence Road
L [REDACTED] Florence Road
K [REDACTED] Florence Road
[REDACTED] Florence Road
[REDACTED] Florence Road
[REDACTED] Florence Road

- Emails from residents as below.

From: [REDACTED]
Sent: 29 July 2020 08:32
To: Councillor Alex Yip [REDACTED]
Subject: Piri Piri application

Dear Mr Yip

Following your recent reply I am expressing my concern about this application to remain open until 3.00am.

- 1 The area is close to residential properties and there are some residential apartments above the shop area in which the business is situated,
- 2 The extra noise and nuisance which may follow into the early hours is unacceptable,
- 3 There has already been an increase in homeless begging for food and money in the Lanes shopping car park which is fairly close to the Piri Piri establishment,
- 4 There has been over the last few weeks a significant increase in Nitrous oxide mis-use, possibly by teenagers, in the same car park. Longer opening times may increase this antisocial behaviour as the longer business may attract more unwelcome people to the area for longer periods of time.
- 5 Opening in the early hours might attract more crime into the surrounding area.

I hope that you find this information useful when making your objections to the application.

Your sincerely

[REDACTED]

[REDACTED] Webster Close Wylde Green [REDACTED]

From [REDACTED]
Sent: 28 July 2020 16:54
To: Councillor Alex Yip [REDACTED]
Subject: Warm wishes from [REDACTED] and a note about Pepe's

Objection to the Application by Pepe's Fini Fino 439 Birmingham Road application to extend Opening hours to 3am and serving of Alcohol till 3 am every night.

The Application is in breach of The Birmingham development plan adopted in 10th Jan 2017 which replaced the Unitary development plan of 2005 with exception to certain reserved policies contained in Chapter 8 Paragraphs 314 to 314 D.

Within Chapter 1 –Introduction of the Unitary Development Plan 2005
And paragraph 2.9 a states:

"2.9 This Unitary Development Plan is rooted in the belief that there is a very direct relationship between environmental quality and levels of economic activity. The aim is to make Birmingham a better place in which to live or work or just to visit. As part of that process the Plan seeks to attract activity, and activity may also mean investment and, ultimately, development. Such development provides an opportunity to manage change and effect improvements in the quality of the environment. The intention is to make the City more 'attractive' not just in terms of the physical environment but also in the magnetic sense... to more activity, investment, development and so on. The Plan seeks to create the opposite of a vicious circle: to create a virtuous upward spiral, whereby economic activity and environmental quality feed off and promote one another. It must be stressed, however, that the intention is not to attract activity for its own sake, but to make the existing Birmingham a better place... in the first instance for the million people who already live in the City."
This Paragraph Clearly States the link between the levels of economic activity and that of environmental quality.

By extending licensed activities and opening hours into 3 am will have a negative impact by reducing environmental quality for existing residents by encouraging potential antisocial behaviour due to longer duration consumption of alcohol and the subsequent noise and littering and disturbance caused by customers of Pepe's Piri Piri., thereby causing negative impact upon existing residents of the surrounding area and the environment.

Further in this paragraph the Unitary Development plan Clearly states its goal is:
"The aim is to make Birmingham a better place in which to live or work or just to visit."
With this in mind , both further littering and the socially destructive nature of the application would be to the detriment of the Unitary Development plan which states its further goal as the creation of "a virtuous upward spiral".

The Unitary Development plan goes further with absolute clarity by stressing the following:
"It must be stressed, however, that the intention is not to attract activity for its own sake, but to make the existing Birmingham a better place... in the first instance for the million people who already live in the City."

This application of extension serving Alcohol to customers falls into the category of "activity for its own sake" That being, that it is only for the financial benefit of the company and for the self serving imbibing of alcohol by the few, whilst disregarding the concerns and well being of the surrounding residents of The Royal Town of Sutton Coldfield and Wylde Green.

This further causes stress and discomfort upon residents leaving the applying company and potentially the Council with a liability and possible culpable liability by causing detrimental and undue stress upon individuals, families and residents, upon whom will be forced a negative life style change. This can unquestionably lead to health issues. Both the applicant and the awarding body may find that they share a liability for the health and well being of the local residents who in such incident that a claim for ill health, both mental and physical brought about by changes of lifestyle caused by a changed environment by the granting of an extended licence may have claim upon both Licensor and licence. It therefore seems an impractical risk of tax raised funds which rather than being spent upon the good of the country, NHS etc would rather be spent upon lodging a defence or indeed awarding damages.

It may be deemed of sounder judgement therefore to deny the application in favour of promoting better health and mental well being along with a more positive living environment for the current and future generations.

With the Current UK Government and opposition parties in mutual agreement of the benefits of a more healthy life style including the reduction of Alcohol consumption, this application of extending further Alcohol consumption through to 3 am every night flies in the face of a move toward a healthier, better and more positive way forward. Rather it puts profit before social responsibility.

It therefore totally breaches every principle of the Unitary Development plan and subsequent Birmingham development plan which builds upon the key fact of "making the existing Birmingham a better place... in the first instance for the million people who already live in the City." Not as this application would have by sacrificing the health and well being of the local population whilst potentially damaging the living environment of many purely on the basis that the applying company seeks to increase its profit margin .

Objection By [REDACTED], Penns Lane , The Royal town of Sutton Coldfield, West Midlands. B72 [REDACTED]

From: [REDACTED]
Sent: 26 July 2020 16:50
To: Licensing <[REDACTED]>
Cc: Councillor Alex Yip [REDACTED]
Subject: Objection to Appl. No. 115724

To: Licensing, Birmingham City Council

Re: Application by Pepe's Pirir Piri at 439 Birmingham Road to extend delivery hours until 03:00 am. (115724)

Dear Sirs,

I am a local resident and on this basis object to any fast food outlet in this area remaining open to business after 23:00 at night.

We already have a substantial problem in this area with a) illegal parking on pavements and yellow lines b) Litter from fast food outlets scattered over roads and pavements c) public nuisance of noise from large numbers of consumers of fast food in the area.

I object to this application by Pepe's principally on the grounds of prevention of public nuisance. There needs to be a cut-off point for the ordering and delivery of fast food and I recommend that this be kept to 23:00 on all nights of the week. This protects local residents being disturbed at night in what is a quiet residential area.

I have no objection to Pepe serving and delivering food up until 23:00 but not after that time. If one fast food outlet is allowed to accept deliveries until 03:00 this will be a 'thin end of the wedge' and all the fast food outlets in this area will demand the same and that will be intolerable for local residents.

Yours faithfully,

[REDACTED]

[REDACTED]

● Florence Avenue
Sutton Coldfield
B73 [REDACTED]

[ir](#) [REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: 26 July 2020 10:06
To: Councillor Alex Yip [REDACTED]
Subject: Florence Road

Dear Mr Yip,

I recently received your letter about the Wylde Green meeting and information regarding Peri chicken extended hours. My wife and I recently moved into the area and live on Florence Road. Unfortunately we are away and not available for the virtual meeting.

I am writing to show my support for your campaign to disallow the extended hours. We both believe the noise, litter and attraction of late night gatherings would not be good for our family area.

There may be a wider theme developing here about how take away restaurants need to better consider local residents.

Thank you for your time of reading this. We love the area and are happy to contribute positively in our future years as residents.

Kind regards,

[REDACTED]

From: [REDACTED]
Sent: 24 July 2020 09:24
To: Councillor Alex Yip [REDACTED]
Subject: Pepe@s piri piri

Dear Mr Yip

Thank you for the flyer concerning the application for extended opening times for this establishment.

Both myself and my wife feel that to remain open until 3.00am is unnecessary. The area is a small shopping centre surrounded by residential properties including some directly above the shops.

In recent months we have experienced a significant rise in anti social behaviour in the Lanes shopping centre car park and further late night opening of the food outlet will, in our opinion,

make it worse. This car park is close to the Piri Piri establishment. The car park has regularly been littered with nitrous oxide canisters used presumably by visitors to the area.

In addition there has been an increase in rough sleepers begging for cash or food in the shop doorways.

I support your plan to object to the extended hours.

Yours sincerely

[REDACTED]
[REDACTED] Webster Close
S/C B72 [REDACTED]
[REDACTED]

From: [REDACTED]
Sent: 23 July 2020 17:11
To: Councillor Alex Yip <[REDACTED]>
Subject: PepePiriPiri

Dear sir thank you for your communication regarding the extended hours. I am opposed .. noise, disturbance litter, anti -social behaviour are all a factor and unreasonable in a largely residential area. Even over Friday and Saturday only it would be unnecessary. Thank you for alerting us to this application.

[REDACTED]
[REDACTED] 9 Holifast

From: [REDACTED]
Sent: 23 July 2020 15:27
To: Councillor Alex Yip <[REDACTED]>
Subject: Pepe's late night application

Dear Mr Yip,

I am very concerned about the above licence application as we live very close to the establishment. I have signed your petition but wondered if this is accessible to all the elderly in our road (Harman Road). Is it worth considering a paper petition as there are many elderly people in this road who will not have access to the internet? I appreciate CV19 may not permit this.

In terms of comments for the planning committee, I can tell you that I walk my dog every day around Wylde Green and the rubbish from Pepe's customers is appalling, I have spoken to the staff in the past as people through whole bags of their branded rubbish onto pavements and in the road. I often pick it up and put it in my own bin but I shouldn't have to. We don't have any issues with the chip shop or other take aways. I am really concerned about the prospect of a late licence and alcohol being sold until 3am. I don't think this will be fair on anyone living about the shops or the local police, who will be kept busy by the potential disturbance and drunken behaviour.

Wylde Green is a lovely, quiet place to live, please can we keep it that way?

Thank you for listening.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 23 July 2020 11:25
To: Councillor Alex Yip [REDACTED]
Subject: Piri Piri late night opening application

Dear Alex,

I am very concerned to hear about Piri Piri just up the road from me applying for such a very late night opening application until 3am every single day.

We have a small shopping centre on the high street, and even now experience quite a lot of noise late at night, mainly from youngsters returning home after a good night. This is very disturbing for those nearby, myself included, especially when it occurs after midnight. The rubbish from food packaging is definitely increasing, again this usually occurs at night.

I, like many others, are aware of drug usage in the area and have seen several gas canisters left on the road and by the shops and some in the side roads, not a good sign.

I have lived in Wylde Green many years, but I am getting concerned with the increase in crime, noise and the awful rubbish. Even if there are bins nearby, they are frequently ignored!

Verdo must be quite concerned too, as it is a family orientated business where families with young children enjoy their lovely food and environment.

I am also very aware of the amount of graffiti that is occurring in the immediate area.

If this continues, more shops will close and local residents will start to move away from the area.

Please, please can something be done about this.

Yours sincerely

[REDACTED]

-----Original Message-----

From: [REDACTED]

Sent: 23 July 2020 11:18

To: Licensing [REDACTED]

Cc: Councillor Alex Yip [REDACTED]

Subject: Application No. 115724

I am writing to oppose application number 115724, concerning an extension of hours to 3am for Pepe Piri Piri in Wylde Green.

I am objecting to the proposal on the grounds of:

1. Prevention of crime
2. Public safety
3. Prevention of public nuisance
4. Protection of Children

I hope you will consider the impact on the local neighbourhood that such an extension of hours would have and will refuse the application.

Kind regards

[REDACTED]

[REDACTED] Kempson Avenue
Sutton Coldfield
B72 [REDACTED]

From: [REDACTED]
Sent: 23 July 2020 09:41
To: Councillor Alex Yip [REDACTED]
Subject: Piri Piri

Alex,

We shall certainly be objecting to a licence extension. Although we live almost half a mile from the premises we already experience the rubbish, noise and anti-social behaviour from it's customers who seem to enjoy making their cars loud and driving them fast along nearby residential roads then stopping to eat their food before distributing the packaging and food remnants in the road and on the pavements particularly during the late hours of the night and early hours of the morning. Many residents of Little Green Lanes, Emmanuel Road and Cambridge Avenue are elderly so nighttime disturbance is already distressing. Those who are of working age certainly do not want their sleep pattern disturbing further in the early hours. More importantly the granting of such a licence would set a dangerous precedent and allow a number of other businesses to follow suit.

Regards,
[REDACTED]

From: [REDACTED]
Sent: 22 July 2020 20:42
To: Councillor Alex Yip [REDACTED]
Subject: Pepe's Fini Fino

[REDACTED] Harman Rd,
Sutton Coldfield
B72 [REDACTED]
UK
[REDACTED]

Dear Cllr Yip,

I am writing to you to ask for your support and help.

I have recently become aware that Pepe' Fini Fino in Wylde Green has submitted an application to extend their opening hours and licensable activity. I would like your support to object to this application and request that you do everything you can in your gift to stop it being approved.

I have many a time thought about writing to you to seek your help with the current noise and rubbish that is generated from this establishment and the clientele that it attracts.

Whilst not provable to be the responsibility of this company, there has been a significant increase in the number of people sitting around in their cars, eating Fini Fino's food with the smell of cannabis coming from the car.

The prospect of Fini Fino being open even longer, with more customers, more noise and more rubbish genuinely worries me.

I am a father of four children and chose Wylde Green as my home because of the supportive neighborhood, community spirit and responsible "high street". Having an establishment such as Fini Fino's is having a destructive impact on the neighborhood and I think more effort should be put into controlling the current impact on Wylde Green rather than extending their opening hours.

I am very supportive of responsible companies operating in Wylde Green however, on current performance, the licencing committee should be reviewing the current arrangements rather than considering this application. There are no other shops or companies in Wylde Green that have generated so much noise, rubbish and unwanted clientele and most likely illegal activity than Fini Fino's.

Please help me and the residents of Wylde Green to keep this area the best it can be.

Thank you in advance and please get in touch if you want more information.

Best wishes

[REDACTED]

From: [REDACTED]
Sent: 22 July 2020 19:32
To: Councillor Alex Yip [REDACTED]
Subject: Pepe's Piri Piri

Hi

I have just signed your petition. I would just like to add some additional points around parking.

As you are already aware parking is a massive issue in the local area. We have people who use the station parking on Florence & Broadfields Road. In the last few years we have seen a huge increase in extra traffic using the numerous food outlets and the learning centre. Since the bank closed, Domino's relocated and Pets & Gardens offer customer parking (which, put bluntly, they shouldn't offer what isn't available), parking and congestion in this area has become a nightmare for local residents.

With longer opening hours I would have a real concern that any congestions spills over to the opposite side of the road which in turn spills down Florence Road. I'm amazed traffic

enforcement officers don't spend more time down here as they'd make a fortune with the amount of cars that park on the double yellow lines by Bet Fred and the dry cleaners.

Thanks

[REDACTED]
[REDACTED] Florence Avenue

From: [REDACTED]
Sent: 22 July 2020 15:01
To: Councillor Alex Yip [REDACTED]
Subject: Pepe's Fino Fino - Application - Concerns from Resident

Dear Councillor Alex Yip,

It has come to our attention that there has been an application from Pepe's Fino Fino for a late night licence to 03.00am.

As a resident of Harman Road, B72 1AH, I do not believe this would be in the best interests of the local community. Since the shop opened there has been increased litter (I am forever clearing their rubbish off my drive), anti-social behaviour and more and more cars parked on the road, in front of peoples drives with people eating and then dumping their rubbish and making constant noise.

I also feel that this shop brings groups of people to the area who do not live here and who give no thought to the noise and mess they leave behind. Its bad enough that they're open until late evening but 03.00am would be too much!

We are a family community and there are young children, families and elderly residents who are being impacted by this.

In addition to this we have noticed there are people in cars at all hours of the night in the Co-Op car park. We're not sure what they're doing but guess as the shops are shut they're not waiting to go shopping!! There is a gate which is always open so if this was shut they wouldn't be able to park up there. Is this something that can also be looked into please. A couple of years ago a few of us had our sheds broken into and I approached the Co-op asking if they had CCTV footage as the camera in the car park looks down our road. I was told it was never on. Seems a bit pointless.

Anyway thank you for listening to my concerns.

Yours hopefully,

[REDACTED]

From: [REDACTED]
Sent: 22 July 2020 13:23
To: Councillor Alex Yip [REDACTED]
Subject: Pepe's Piri Piri Late Night Licence Application

Dear Councillor Yip,

I have signed the petition to object to the extension of opening hours & licensable activity for the above but I would also like to put my objection in writing

I moved to Harman Road in Wylde Green in July 2018 and during the two years I have been here I have noticed a marked increase in the litter and antisocial behaviour in the area and this will only get worse if this extension is granted.

Thank you for your support with this issue

Kind Regards

[REDACTED]

From: [REDACTED]
Sent: 21 July 2020 20:24
To: Councillor Alex Yip [REDACTED]
Subject: Note from [REDACTED] to your Facebook Page Wylde Green News

[REDACTED]

[REDACTED]

Your question: Harman road next to peeps is convenient for cars to park and eat ,throwing the rubbish out of their windows .Most mornings i pick it up and bin it ,if i didn't the place would become a pigsty, I Dread to think what will happen when they have even delivery drivers and hours thrown in to the equation. Regards [REDACTED]

From: [REDACTED]
Sent: 21 July 2020 19:49
To: Councillor Alex Yip <[REDACTED]>
Subject: Pepe's Piri Piri Wylde Green Licensing Application

Dear Alex,

I am extremely concerned regarding the licensing application for the above premises.

The extensive litter and antisocial behaviour in and around this establishment has had an adverse impact on the local area. Any extension to operating hours even for delivery is absolutely unacceptable.

Issues we have suffered include the following:

- Substantial amounts of litter which is without question from their establishment due to the branded packaging.
- Excessive noise from clientele going to and from the establishment and also while sitting in cars eating the food.
- Instances of dubious transactions in and around the locality of the facility.

All the above issues have had a serious impact on the area during normal operating hours. An extension to this would be intolerable.

I'm sure you have had additional concerns from other residents. I sent an email to you on 24/5/20 regarding the rubbish problem, with example pictures, this can be forwarded again if needed.

I would like to thank you for your positive actions regarding this matter. It is certainly an issue that requires immediate attention.

If you require anything else from my side, or can suggest additional actions (I've signed the petition) I would be happy to help.

Kind Regards,

[REDACTED]
9, Harman Road, Wylde Green.
[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: 21 July 2020 19:03
To: Councillor Alex Yip <[REDACTED]>
Subject: Comments regarding Pepe's Piri Piri Late Night Licence Application

Dear Alex,

Hope you are well.

I am writing in support of your objection to the Pepe's Piri Piri Late Night Licence Application.

We agree to the objection as there is already noise heard after closing time at The Yenton. Lots of shouting is heard from 11pm onwards, and there's is no difference between a weekday or the weekend. Having outlets open into the early hours will only increase this.

We are also in TOTAL agreement of the litter from Pepe's. I clear rubbish out from my drive 3-4 times a week and 90% of it is from there. We receive no litter from any other establishments on the road.

Thank you for your support on this.

Kind regards,

[REDACTED]
[REDACTED] Harman Road
[REDACTED]

From: [REDACTED]
Sent: 21 July 2020 11:17
To: Councillor Alex Yip <[REDACTED]>
Subject: Piri Piri Late Night Licence Application

Dear Alex,

Thank you for information on the change of licence details on Piri Piri.

I am astounded at the request to increase their opening hours until 3 pm every night, along with the delivery! This would be my, and many others I would imagine, worse nightmare.

We already experience a lot of loud talking, shouting and the distribution of rubbish in the early hours, particularly weekends. This would definitely increase the problem to possibly

every night. Added to which excessive alcohol may result in vandalism to residents properties and vehicles.

Anything you can do to prevent this happening would be greatly appreciated by me and many of the residents in the area.

Yours sincerely

[REDACTED]

From [REDACTED]
Sent: 21 July 2020 10:03
To: Councillor Alex Yip <[REDACTED]>
Subject: Pepe's Peri Peri On the Birmingham Rd

Dear Mr Yipp, as a local resident, I am very concerned about the request for overnight licencing for Pepe's Peri Peri on the Birmingham Rd in Wylde Green. The notice has been torn down off the nearby lamppost and the details in the shop window will only be seen by people looking for it in the window. I feel that many of the local residents who have been sheltering due to Covid 19 will not be aware of this request for licensing from 23.00 – 5.00am as many of them are not as yet out and about in the local area.

Wylde Green is a residential area which will not benefit from a further increase in litter with people appearing to think that the pavement is a place to throw left over food, sauce and food containers. The Lanes shopping area appears to have become a magnet recently for people eating food and drinking late at night, leaving piles of litter, alongside laughing gas canisters that the council have not been clearing up. A further late night drinking and eating venue on the high street will do little to alleviate what is already a growing problem in the area. The noise from car doors slamming and people driving up and down the local side roads to get to Peri Peri's in the middle of the night along with increased movement between the Yenton pub and the Peri Peri's to have something to eat before going home will make the local area feel unsafe late in the evening.

The notice in Peri Peris window does not have an email contact for residents to lodge their concerns or a planning application number so that a concern can be lodged against it. I have been on to the Birmingham .gov site but cannot navigate a link to the planning request. Please can you look at this planning application request and as a local councillor do all that you can to petition against through the night drinking and eating in our local area.

Thank you for your support with this issue.

[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: 20 July 2020 20:10
To: Councillor Alex Yip <A [REDACTED]>
Subject: Piri piri late license

Hi ,I strongly oppose this application we have to much litter and noise as it is ,but to open till 3 and delivering so late is only going to make things worse and have cars parked up with drink driving It should not have opened in the first place as we have more than a far share of fast food outlets. And I'm sure it will keep the police occupied with call outs . Please let me know how you get on in this matter. Thanks.

[REDACTED] Holifast road.
[REDACTED]

-----Original Message-----

From: "[REDACTED]"
Sent: Friday, 17 July, 2020 08:26
To: "[REDACTED]"

[REDACTED]
Cc: "Cllr Alex Yip" [REDACTED]
[REDACTED]
[REDACTED]

Subject: Pepes chicken - license and 5am opening

Dear A [REDACTED]

I'm writing to you to kindly ask for your advice and support yet again. I know from your correspondence that you've been so supportive of the litter problem in Wylde Green. I have written to you all previously about the litter generated by Pepes and Piri Fini Chicken and you have responded each time with the efforts that you have undertaken, which we are grateful for.

I have now found out from a notice in Pepes window that they are seeking permission to open through the night, every day of the week until 3am as well. This literally fills me with dread. We live in a residential area and I genuinely don't feel as though the residents of Wylde Green want or need this in our area. I am therefore asking for your advice and support as to how we can stop this license from being granted. I plan to contact the licensing

department at the council to voice my very real concerns but any further advice would be very much appreciated.

I hope you are all keeping well during current times.

I hope to hear from you soon.

With many thanks and best wishes,

[REDACTED]

[REDACTED] Florence Road

Wylde Green

B73 [REDACTED]

[REDACTED]

Objection to Pepe Piri Piri Opening Hours and License Extension to 3am.

Applications made under the Licensing Act 2003

Received between 29/06/2020 and 05/07/2020

Ward: **Sutton Wylde Green**

Application Ref: **115724**

Type of Application: **Premises**

Sub Type of Application: **New Application**

Trading Name: **Pepe's Piri Piri**

Type of Premises: **TAKE-AWAY**

Trading Address: **439 Birmingham Road, Birmingham, B72 1AX**

Licence Application received on: **03/07/2020**

Last day for comments: **31/07/2020**

Licensable Activity & Trading Times:

Hours premises are open to the public

12:00 03:00 Sunday

12:00 03:00 Monday

12:00 03:00 Tuesday

12:00 03:00 Wednesday

12:00 03:00 Thursday

12:00 03:00 Friday

12:00 03:00 Saturday

Licensable Activity & Trading Times:

Late night refreshment

750 have signed. Let's get to 1,000!

[Cllr Alex Yip JP](#) started this petition to Birmingham City Council

We the undersigned are objecting to the application 115724 for the opening hours of 'Pepe's Piri Piri' 439 Birmingham Rd, Wylde Green to be extended from 11pm to 3am, and to allow food to be served/ delivered from 11pm through to 3am.

We feel this would further increase the objectionable late night noise and disturbances already emanating from the businesses, the litter and anti social behaviour in the area and drastically change the nature of the area late at night.

Updates

Comments

| Name | Location | Date | Comment |
|--------------|-------------------------------|------------|---|
| [REDACTED] | Birmingham, UK | 2020-07-20 | "Try living in Harman Road.... the rubbish is disgusting, the parking is a nightmare and the anti social behaviour is disheartening. A lot of this caused from the 2 chicken fast food outlets. If you serve trash you attract trash!" |
| [REDACTED] | Sutton Coldfield, England, UK | 2020-07-20 | "We have enough of their rubbish in Florence Road and the noise from their extractor is intrusive also, no other locally licensed premises sell alcohol beyond 11pm so this will likely cause additional noise and nuisance" |
| P [REDACTED] | Sutton Coldfield, England, UK | 2020-07-20 | "There is more rubbish dropped from this food outlet in Wylde Green than any other. The noise from the extractor fan is excessive and is constant already for 12 hours a day. Extending this would be intolerable." |
| [REDACTED] | Sutton Coldfield, England, UK | 2020-07-20 | "The anti social behaviour would only get worse the later the alcohol was served. The littering is a real problem and this should not be permitted in this area." |
| [REDACTED] | sutton Coldfield, England, UK | 2020-07-20 | "I'm signing this because it was be too noisy, to late and alcohol till 3 am is a no" |
| [REDACTED] | Hampstead, UK | 2020-07-20 | "The proposal is totally inappropriate for a small residential shopping parade like Wylde Green" |
| [REDACTED] | Birmingham, England, UK | 2020-07-20 | "This outlet is located in a primarily residential area and residents are already having to deal with noise, litter, ASB and inconsiderate/dangerous parking relating to this outlet, extending the hours will only increase these problems for the restaurant's neighbours." |
| [REDACTED] | Birmingham, UK | 2020-07-20 | "I don't want the rubbish..." |
| [REDACTED] | Bromsgrove, England, UK | 2020-07-20 | "I live in the area and have concerns as we have already got pubs in the area . We also have signs restrictions Display signs already due to problems of alcohol In this area . Plus this is a residential area" |
| [REDACTED] | Birmingham, England, UK | 2020-07-20 | "This is not suitable for a small residential area. There is already two pubs within walking distance of Pepe's. If they are allowed to open till the early hours it will just attract drunks who want more alcohol not food" |
| E [REDACTED] | Sutton Coldfield, England, UK | 2020-07-20 | "Such late opening and alcohol availability will negatively impact on this mainly residential area. I cannot see the need for this in this area. No other premises, restaurants or bars feel the need to do do and this cannot enhance the area." |
| [REDACTED] | Sutton Coldfield, England, UK | 2020-07-20 | "I'm signing because there is already anti-social behaviour around this area of shops and restaurants. It is a residential area and having an establishment open until that time and |

| Name | Location | Date | Comment |
|------|-------------------------------|------------|---|
| | | | serving alcohol will no doubt result in disturbances to the residents." |
| | Birmingham, England, UK | 2020-07-21 | "Too much antisocial behaviour and rubbish in this area as it is. Not good for the area. It adds nothing but bad" |
| | Birmingham, England, UK | 2020-07-21 | "Extended drinking hours at this venue to 3am, will cause disruption to local people" |
| | Sutton Coldfield, England, UK | 2020-07-21 | "We are all ready suffering antisocial behaviour in the street with rubbish from the takeaways cans and bottles thrown into gardens and disruptive drunks. This will very easily lead to crime - our cars are already vulnerable." |
| | Sutton Coldfield, England, UK | 2020-07-21 | "It's the start of a slippery slope." |
| | Sutton Coldfield, England, UK | 2020-07-21 | "alcohol being sold at this unsociable hour can only lead to mischief and harm to the area. A very irresponsible application, for a respectable residential area, which should be refused." |
| | Sutton Coldfield, England, UK | 2020-07-21 | "Do we really need chicken and alcohol until 3am served on the street??" |
| | Birmingham, England, UK | 2020-07-21 | "We already have disturbance from patrons leaving the local Yenton public house every evening. Allowing this would only increase the amount of noise and congregation of groups outside the establish. Noise travels very far when the roads are quieter. There are many takeaways on the main road, yet the litter from Pepe's is found everywhere - I am removing it from my driveway, 3/4 times a week." |
| | Birmingham, England, UK | 2020-07-21 | "The time of closing is not very good for the people that in close to these premises !" |
| | Sutton Coldfield, England, UK | 2020-07-21 | "I live just a few doors away, and have a young daughter- I don't want her to be woken up by noise at night. I am also concerned about the current level of litter and noise" |
| | Sutton Coldfield, England, UK | 2020-07-21 | "They are already allowing there half eaten food to be dumped all over the pavement and roads. There are gangs of men all on the pavements playing loud music on there phones. There are cars speeding up the drive way outside the row of shops. It's intimidating to go a buy a bag of chips from Atlantis now. But the litter from there shop is disgusting" |
| | Cyprus | 2020-07-21 | ".." |
| | birmingham, England, UK | 2020-07-22 | "The shop can't even take responsibility and clear up there mess! Let alone allow idiots to drink untill 3am and then drive drunk and in no doubt kill someone!" |
| | Birmingham, England, UK | 2020-07-22 | "This area is already having issues with ASB, extending to he hours will increase ASB. Litter and drink driving are also an issue and by having later night/early morning food and |

| Name | Location | Date | Comment |
|------|-------------------------------|------------|---|
| | | | drink will encourage larger gathering in residential areas whilst people try to sleep and get up early for work" |
| | Leicester, UK | 2020-07-22 | |
| | Birmingham, England, UK | 2020-07-22 | "I object to the closing time of 3am there is enough anti-social behaviour in Erdington" |
| | Birmingham, England, UK | 2020-07-22 | "There are enough Alcohol issues and takeaway premises in Erdington" |
| | Birmingham, England, UK | 2020-07-22 | |
| | Kingsbury, England, UK | 2020-07-22 | "This will only encourage more antisocial behaviour." |
| | Birmingham, England, UK | 2020-07-22 | "I have complained to city council previously about this takeaway. The crowds that gather and the large amount of litter with the peri chicken logo that is left behind every weekend is appalling - the customers gather without social distancing . I have also seen many group in cars throwing empty bags and cartons out of windows ." |
| | Birmingham, England, UK | 2020-07-22 | "I own the business to them I do not want even more rubbish left outside my business every morning ♦" |
| | Birmingham, England, UK | 2020-07-22 | "There are sufficient take away alcohol premises in Wyde Green as it is. If this application is allowed it will only add, in my opinion to more unsociable happenings in the area which is blighted with enough as it stands." |
| | Birmingham, UK | 2020-07-23 | "Anti social, noise and litter" |
| | Sutton Coldfield, England, UK | 2020-07-23 | "This takeaway causes a nuisance For local residents already. The litter is a disgrace, cars full of people park in the co-op car park to eat their food then just throw the rubbish out the car." |
| | Sutton Coldfield, England, UK | 2020-07-23 | "Litter, noise and anti-social behaviour!" |
| | Birmingham, England, UK | 2020-07-23 | "There are enough eating places on Birmingham road that cater for this and drinking till 3 am is not socially acceptable" |
| | Sutton Coldfield, England, UK | 2020-07-23 | "I visit my Son's great Grandparents on Harman Road and the takeaway branded rubbish is awful. Walk to the shops and amount of cars speeding up and down with music blaring is dangerous. People are congregating outside the store until close already so I believe this will encourage unsociable behaviour for longer." |
| | Sutton Coldfield, England, UK | 2020-07-23 | "It's ridiculous asking for trouble" |

| Name | Location | Date | Comment |
|------------|-------------------------------|------------|---|
| [REDACTED] | Birmingham, England, UK | 2020-07-23 | "We moved to Wylde Green, for the sleepy atmosphere. Which would be destroyed if a restaurant were allowed to keep open with the licence applied for at the top of the road. Causing parking issues, and probable antisocial behaviour. This is a quiet area of which due to the virus we all no each other and help oneother. A quiet residential area with small children that may be woken due to the noise, persistantley." |
| [REDACTED] | Sutton Coldfield, England, UK | 2020-07-23 | "It would have made sense to get all the information before starting a petition!! This was clearly promoted as to oppose an alcohol license for the premises in question... Turns out they are not going to serve alcohol, which was my main concern. If people want to be able to order food until 3am, i have no issues with that. Feels a bit like the Brexit strategy. Tell a few porkies until you get people on board and later reveal that it wasn't quite meant like it was said... The omission of the alcohol license element significantly alters the content of the petition. Can i actually retract my signature?" |
| [REDACTED] | Birmingham, England, UK | 2020-07-23 | "We have enough anti social behaviour in the Lanes Shopping centre every night, if this were approved it could make the situation worse. There are residential flats above the shops which would be affected by noise nuisance it would also set a precedent for other establishments to follow suit." |
| [REDACTED] | Sutton Coldfield, England, UK | 2020-07-23 | "It'll encourage anti-social behaviour and littering. It does not serve a specific community at this time i.e. no shift workers finishing." |
| [REDACTED] | Sutton Coldfield, England, UK | 2020-07-23 | "Wylde Green is a residential area, having a licence until 3am is likely to cause great disruption for the residents" |
| [REDACTED] | Birmingham, England, UK | 2020-07-23 | "No way" |
| [REDACTED] | Birmingham, England, UK | 2020-07-23 | "The increase of rubbish from the premises in both Birmingham Rd and local streets the noise of people both entering and leaving the premises." |
| [REDACTED] | Birmingham, UK | 2020-07-23 | [REDACTED] |
| [REDACTED] | Sutton Coldfield, England, UK | 2020-07-23 | "It's far too late for residents" |
| [REDACTED] | Sutton Coldfield, England, UK | 2020-07-23 | "11pm is sufficient hours. 3am is too late to be selling alcohol & doing home delivery services." |
| [REDACTED] | Birmingham, England, UK | 2020-07-23 | "It will attract the wrong crowds" |
| [REDACTED] | Morocco | 2020-07-24 | "This will attract crime to the area Most definitely object to this" |

| Name | Location | Date | Comment |
|------------|-------------------------------|------------|---|
| [REDACTED] | Birmingham, England, UK | 2020-07-24 | "The rubbish that all the food outlets cause around Wyld Green is disgusting and staying open this late will only cause anti social behaviour" |
| [REDACTED] | Birmingham, England, UK | 2020-07-24 | "I'm signing the petition as this is in a residential area and late night deliveries and access to the shop will encourage more anti social behaviour after the pub closing times. There is a lot of litter caused from the takeaways already and this would add to the problem." |
| [REDACTED] | Sutton Coldfield, England, UK | 2020-07-24 | "I'm against the late hours and the traffic it brings" |
| [REDACTED] | Sutton Coldfield, England, UK | 2020-07-24 | "I don't see a necessity for food and drink to be served at these unsociable hours in a residential area. It will only attract antisocial behaviour, cause noise, rubbish etc." |
| [REDACTED] | Sutton Coldfield, England, UK | 2020-07-24 | "The take away is very close to a residential area and opening until 3am would only make more noise and anti social behaviour which is not acceptable" |
| [REDACTED] | Birmingham, England, UK | 2020-07-24 | "There are enough places to drink into early hours of morning in both Erdington and Sutton. This License should be thrown out as it will cause more unruly behaviour and noise" |
| [REDACTED] | Birmingham, England, UK | 2020-07-24 | "My signature to this petition is made because people live in the flats above the shops in this area, including my own daughter, whose life is already blighted by antisocial behaviour. If permission is granted to this Pepiperi business, her life and other residents lives would become intolerable. also their property values will be effected." |
| [REDACTED] | Birmingham, England, UK | 2020-07-25 | "There is no need for outlet based in a residential area to be delivering food until 3am every night. The increased traffic and parking problems from the delivery drivers will be a nightmare for the local residents in the roads close to this outlet, not to mention the increased traffic noise from the drivers / customers. There are already litter problems with food and packaging being thrown out of car windows and left in the street, which will eventually lead to a vermin infestation." |
| [REDACTED] | Wishaw, England, UK | 2020-07-25 | "People should be sleeping at that time of day not waking others up" |
| [REDACTED] | Coventry, UK | 2020-07-26 | "There's no need for alcohol to be available at 3.00am , if anyone is having a celebration of any sort then they will normally have what they need beforehand. All that will happen by extending opening hours will ne more antisocial behaviour and a disturbance for local residents." |
| [REDACTED] | Nottingham, England, UK | 2020-07-29 | "It is antisocial hours for the majority of residents" |

From: Sent: 23 July 2020 11:19
To: Licensing
Cc:
Subject: Pepe's Piri Piri Licence Application No 115724

Dear Sir or Madam

Attached is a letter concerning our opposition to the above application. It is from a group of residents of Florence Road and Broadfields Road acting on behalf of all the residents.

Yours faithfully

Florence Road
Wylde Green
Sutton Coldfield
B73

23 July 2020

Dear Members of the Council

Pepe's Piri Piri Late Night Licence Application

I am writing on behalf of the residents of Florence Road and Broadfields Road in Wylde Green about the application by Pepe's Piri Piri to extend their opening hours and licensing activity until 3.00 a.m. every night. A group of us, named at the end of this letter, are representing the residents of Florence Road, Florence Avenue and Broadfields Road,


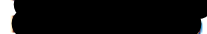
We are overwhelmingly opposed to the application for Pepe's Piri Piri to extend their opening hours until 3.00 a.m. Since it has been open, alongside the other one opposite it on the Birmingham Road, Peri Fino, there has been:

- An increase in the number of large gatherings of young people outside the establishment, causing more noise later on into the evening and leaving litter in huge quantities scattered around the area, including both the roads we live on. This had included the food wrappings, uneaten food and unfortunately at times, vomit. Notably, there has been very little regard for social distancing by people whilst waiting outside the takeaway restaurant.
- Its location very close to the residential area of Wylde Green has resulted in residents becoming increasingly disturbed by the noise emanated by its noisy customers late into the evening and nighttime.
- An increase in traffic along Florence Road and Broadfields Road of its customers looking for somewhere to park so that they can eat their food.

There is a care home in Florence Road so we must be considerate to the impact that the noise and disturbances make on those elderly residents. In addition, there are now many households in both roads with small children who are witness to the noise, the litter and the behaviour of the customers of this takeaway restaurant. We must ensure that the children, and indeed all residents living here, feel safe. The conditions I have described are not conducive to a safe and secure living environment.

Some of us will be attending the Wylde Green Virtual Ward Meeting on Monday 27 July at 7.00 p.m. so we will be able to discuss all the above issues with you. We really do need to address these problems in order to make living here in Florence Road and Broadfields Road safer and more pleasant for all its residents.

Yours sincerely

 Florence Road
 Florence Road

[REDACTED] Florence Road
[REDACTED] Florence Road
B [REDACTED] Florence Road
[REDACTED] Broadfields Road
[REDACTED] Florence Road
L [REDACTED] Florence Road
[REDACTED] 5 Florence Road
[REDACTED] Florence Road
[REDACTED] 8 Florence Road
[REDACTED] Florence Road

From: Councillor Robert Alden

Sent: 31 July 2020 08:35

To: Licensing

Cc: Councillor Gareth Moore ; Councillor Alex Yip ; bw licensing

Subject: Objection to the application for Licensing Act 2003 Pepe's Piri Piri, 439 Birmingham Road, Sutton Coldfield, B72 1AX Licensing Application No: 115724

RE: Licensing Act 2003 Pepe's Piri Piri, 439 Birmingham Road, Sutton Coldfield, B72 1AX Licensing Application No: 115724

Licensing Department,

As the elected member for Erdington Ward who's ward goes up Wylde Green High Street as far as the road before this site we have strong concerns about the significant negative impact this will have on the local area the overwhelming objections, concerns, fears and opposition of local residents to the proposal of the Pepe Piri Piri shop to extend their opening hours through till 3am.

This application will have a hugely negative impact on the high st and the local area.

Prevention of Crime and Disorder:

The High Street and surrounding streets have already seen an increase in general antisocial behavior over recent years escalating noticeably since the arrival of two fast food eateries in 2018.

You will see from the substantial email correspondence Cllr Yip has forwarded, litter caused from the businesses is a substantial and real concern for residents- which clearly qualifies as disorder. On a weekly basis he receives emails complaining specifically about the branded Pepe Piri Piri litter, little containers of sauces strewn across the ward from Birmingham Road to Green Lanes, from Orphanage Road down to the railway line to the West. While we also regularly receive complaints and the litter has got so bad that members of the Erdington Litter Busters team have taken to carrying out regular litter picks on parts of the High Street and surrounding roads to try and stay on top of it.

This clearly constitutes antisocial behavior and further strictly speaking is a crime and one which I have sentenced people in the Magistrates Court for. Littering is a criminal offence with a maximum fine of £2,500 with Fixed Penalty Notices (between £50-80) most often used. Littering costs the Council a lot of money to resolve and even Community Protection Notices can also be used to address continuing or persistent littering.

Littering is not just a minor offence and this clearly establishes that this establishment has already been the cause of public nuisance, frustration to the local public, and (according to strict definition of the legislation) has led to crime and disorder. The extension of opening hours will increase this.

Of more concern is evidence of drug dealing around The Lanes, behind the shops on Birmingham Road and a substantial proliferation of hundreds of Nitrous Oxide canisters which we have found strewn across the High Street and surrounding area. Syringes, small dealing plastic bags have been found in a radius around Pepe's Fino Fino as well as evidence of street drinking as well. In recent weeks the 'Saint' graffiti tags have appeared the length of Birmingham Road numbering around 20 'tags'. These were removed by Council and enterprising residents with pride in their ward. There is also regular reports of vehicles parked up on the side of the road have smells of cannabis coming from them.

The availability for delivery for convenient fast food after midnight through to 3am will undoubtedly appeal and attract further. It has clearly been demonstrated that in our area the new presence of such eateries has seen an increase antisocial behavior in the area. An increase in trading hours will undoubtedly further increase this.

Prevention of Public Nuisance:

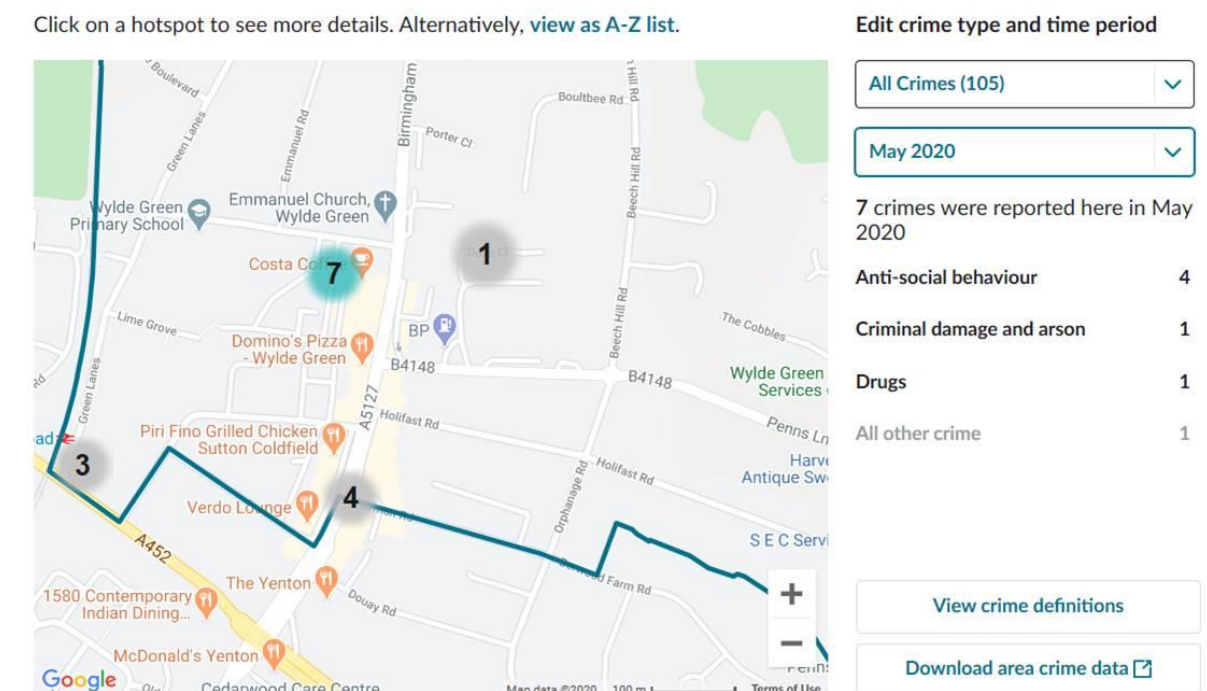
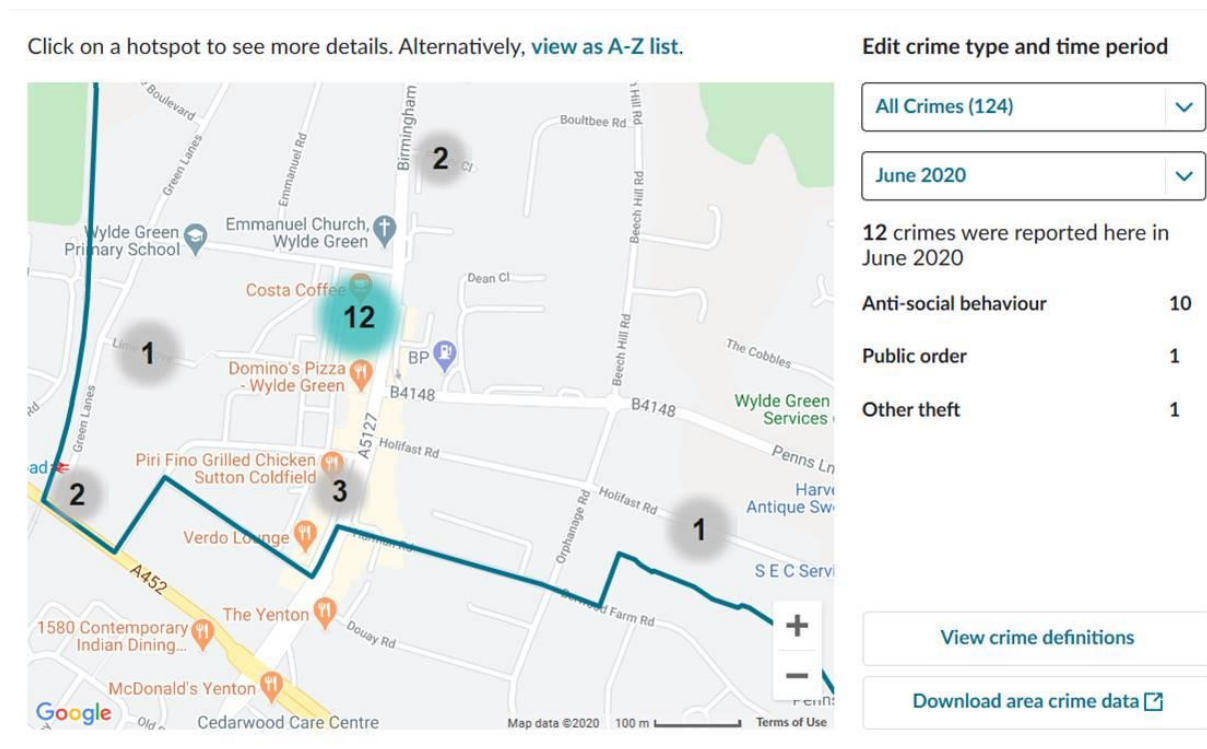
An extension of trading hours will necessitate delivery drivers congregating in the front of the businesses. This will inevitably attract individuals who will congregate around the vicinity of the business.

Already we are seeing late night drivers congregating at The Lanes car park and in front of the other fast food delivery establishments attracted by the same; Piri Fino directly opposite to Pepe's Fino Fino through to the late hours. This also already has groups of individuals congregating outside the shops in the evening causing intimidation on others trying to use the restaurants and these opening hours will worsen this situation.

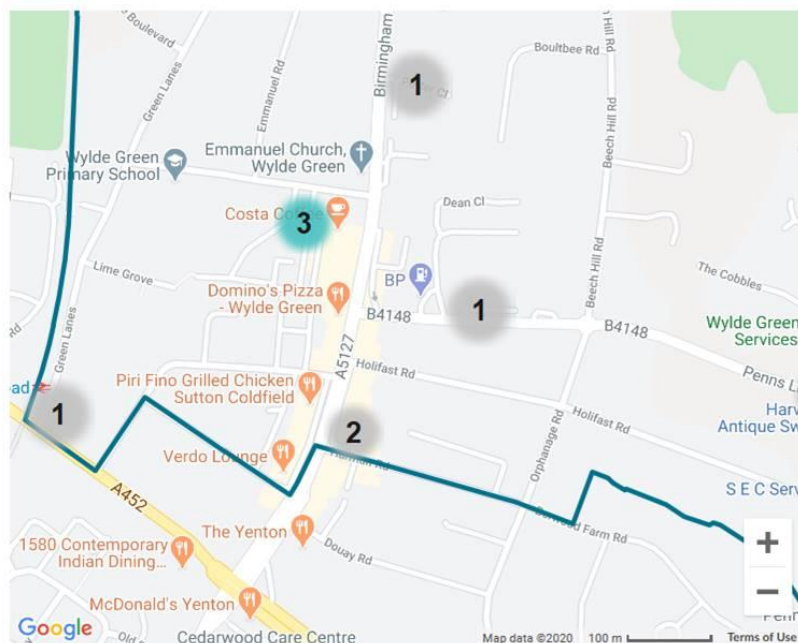
The presence of these two new such establishments on the major arterial route has definitely attracted undesirable characters congregating late at night and a lot of the evidence points towards an increase in drug dealing, cruising, noise and certainly litter created by customers eating within their vehicles and then discarding onto the street.

The presence of the taxi company on the Chester within sight of the applicant is also a cause for deliveries to waiting taxi's waiting on Harman and Florance Road, with taxi drivers then eating food in their cars, discarding the waste directly on the road so that their vehicles do not smell, and then driving off.

The most recent Police data from <https://www.police.uk/pu/your-area/west-midlands-police/sutton-new-hall/> shows the crime issues there already are in this area, much of these periods were in the middle of a unique lockdown, when crime should have been lower as people were not out as much, the following crimes took place in this postcode area:



Click on a hotspot to see more details. Alternatively, [view as A-Z list](#).



Edit crime type and time period

All Crimes (102) ▾

April 2020 ▾

3 crimes were reported here in April 2020

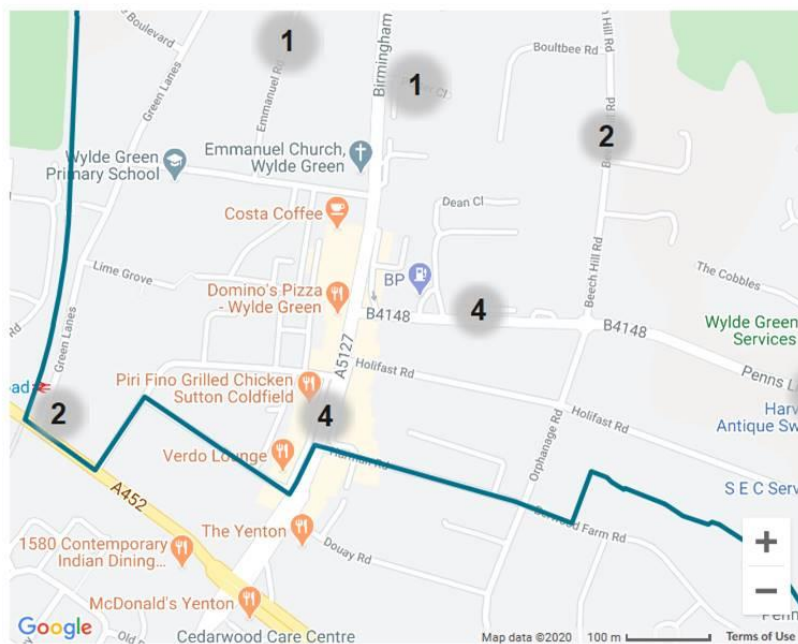
Anti-social behaviour 2

Shoplifting 1

[View crime definitions](#)

[Download area crime data](#)

Click on a hotspot to see more details. Alternatively, [view as A-Z list](#).



Edit crime type and time period

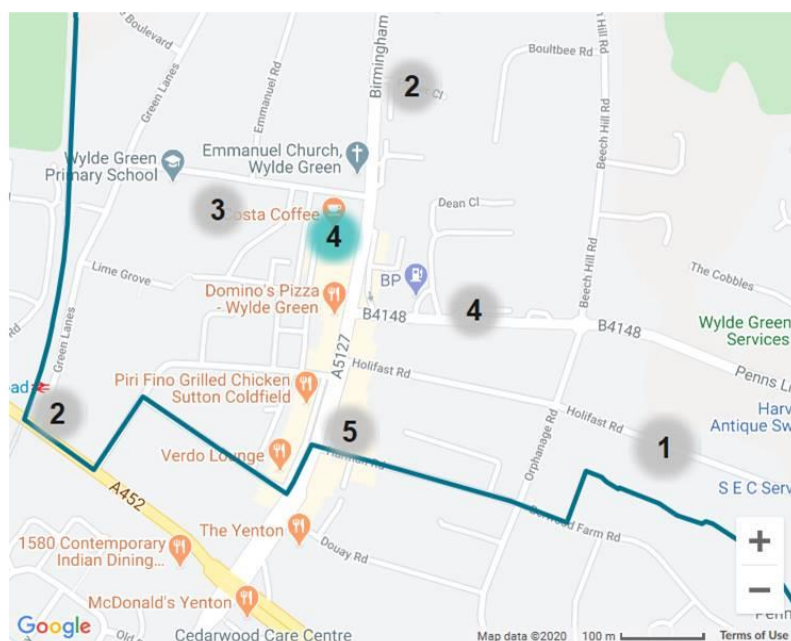
All Crimes (98) ▾

March 2020 ▾

[View crime definitions](#)

[Download area crime data](#)

Click on a hotspot to see more details. Alternatively, [view as A-Z list](#).



Edit crime type and time period

All Crimes (86)

February 2020

4 crimes were reported here in February 2020

| | |
|------------------------------|---|
| Violence and sexual offences | 2 |
| Anti-social behaviour | 1 |
| Public order | 1 |

[View crime definitions](#)

[Download area crime data](#)

As can be seen above the opening of this restaurant has tied in with increase in crime in the area and it is clear that being allowed to open late night and serve alcohol will worsen this trend and have a hugely detrimental impact on the local community.

“Delivery Only” Response.

During lockdown, when businesses were operating a delivery only service, we have heard of establishments such as KFC ‘deliver’ directly to their own carpark with customers waiting in their vehicles. This loophole takes advantage of the residents and will not serve the local residents well with regards to the prevention of public nuisance. This is a proven workaround to the ‘delivery only service’ direct to customers waiting outside. With the increasing use of phone applications enabling swift deliveries to be ordered, we can easily envisage more deliveries to parked vehicles nearby thus neatly circumventing and not breaching the conditions proffered.

Public Safety, Protection of Children from Harm.

Given the clientele of the business currently it is clear that there is a risk of children being served alcohol while the area around the site is used by children going past on the way to Wylde Green School therefore any drink or drug litter left on the road will pose a risk to those children.

Summary:

We asking licensing and members to carefully consider the long term impact these changes will have to the ward in changing the nature of the residential area which will increase antisocial behavior and crime. This premises has already led to a large increase on the congregation of groups on the High Street in the evening, this will be increased should they be allowed to sell alcohol.

We note the application put forward but it is clear that it does not adequately alleviate and protect residents from the concerns of residents and ourselves as their elected representatives. The only conditions possible would to limit the opening hours to 11pm, a condition on them to have to tackle and report to the police any street drinker, or customers showing signs of drug use, that attempts to buy from the premises and the banning of anyone under 18 after 10pm due to the site selling alcohol, this kind of condition is often placed on pubs to ensure children are protected and clearly should be applied here.

Thank you for your time and consideration.

Cheers

Cllrs Robert Alden and Gareth Moore – Erdington Ward

Cllr Robert Alden
Erdington Ward

Leader of the Conservative Group Birmingham City Council

From: [REDACTED]
Sent: 26 July 2020 16:50
To: Licensing
Cc: Councillor Alex Yip
Subject: Objection to Appl. No. 115724

To: Licensing, Birmingham City Council
Re: Application by Pepe's Pirir Piri at 439 Birmingham Road to extend delivery hours until 03:00 am.
(115724)

Dear Sirs,

I am a local resident and on this basis object to any fast food outlet in this area remaining open to business after 23:00 at night.

We already have a substantial problem in this area with a) illegal parking on pavements and yellow lines b) Litter from fast food outlets scattered over roads and pavements c) public nuisance of noise from large numbers of consumers of fast food in the area.

I object to this application by Pepe's principally on the grounds of prevention of public nuisance. There needs to be a cut-off point for the ordering and delivery of fast food and I recommend that this be kept to 23:00 on all nights of the week. This protects local residents being disturbed at night in what is a quiet residential area.

I have no objection to Pepe serving and delivering food up until 23:00 but not after that time. If one fast food outlet is allowed to accept deliveries until 03:00 this will be a 'thin end of the wedge' and all the fast food outlets in this area will demand the same and that will be intolerable for local residents.

Yours faithfully,

Florence Avenue
Sutton Coldfield
B73

From:
Sent: 27 July 2020 09:09
To: Licensing
Cc: Councillor Alex Yip
Subject: Licensing Application No: 115724

Dear Sir/Madam,

I would like to make objections to the above licensing application relating to Pepe's Piri Piri, located at 439 Birmingham Road, Wylde Green, Sutton Coldfield.

The local area has witnessed a significant decline in safety and public wellbeing since this establishment was opened.

Examples of problematical behaviour include:

- Excessive noise from clientele – this includes, but is not limited to, loud noise from parked cars either picking up food, or parked for longer periods while food is consumed. Issues include loud music, shouting and menacing behaviour.
- Instances of criminal activity such as drug dealing and/or consumption around the facility and in particular in the co-op and mobility living car parks.
- Discarded gas canisters around the facility and where cars have stopped to either pick up or consume food from the premises.
- Erratic driving in and around the facility including: fast driving, ignoring the one way system, random parking in some instances across the pavement and with total disregard to pedestrians.

The above factors are not compatible with the local area and family housing.

Any extension to operating hours would be intolerable on the above basis. Considering the current problems there is no measure, apart from rejecting the license application, which could counter this behaviour.

Kind Regards,

Harman Road, Sutton Coldfield B72

From:

Sent: 31 July 2020 09:15

To: Licensing

Subject: Licensing Act 2003 (Grant) RE: Pepe's Piri Piri, 439 Birmingham Road, Sutton Coldfield, B72 1AX

Sir, Madam

Pepe's Piri Piri Late Night Licence Application

I am writing on about the application by Pepe's Piri Piri to extend their opening hours and licensing activity until 3.00 a.m. every night.

My wife and I live on Broadfields Road and we both object to the proposed extension of Pepe's Piri Piri opening hours, not just to 3am, but any proposal to increase its opening hours.

Since it has been open, alongside the other one opposite it on the Birmingham Road, Peri Fino, there has been:

- An increase in the number of large gatherings of young people outside the establishment, causing more noise later on into the evening and leaving litter in huge quantities scattered around the area, including both the roads we live on. Notably, there has been very little regard for social distancing.
- Its location very close to the residential area of Wylde Green has resulted in residents becoming increasingly disturbed by the noise emanated by its noisy customers late into the evening.
- An increase in traffic along Florence Road and Broadfields Road of its customers looking for somewhere to park so that they can eat their food.

An extension of the takeaway side of the business to 12:30am will mean that those issues continue, with increased noise, anti-social behaviour and disturbance for the residents into the small hours, potentially affecting the sleep of adults and children which could affect their mental health.

I note the following conditions that are proposed alongside the extended opening hours:

- 1 The premises will not allow delivery drivers to sit in or on their vehicles with the engine running while waiting for a delivery. The premises will not allow delivery drivers to play music while in / on their vehicles that is audible to members of the public that would be at a level to constitute a noise nuisance. The premises will not allow drivers to over rev their engines. The premises will have written documented training for all delivery drivers that will be signed as understood by the drivers. All drivers will receive this documented training prior to the commencement of their first delivery.
- 2 From 00.30hrs the premises will operate a home delivery service only. From this time the premises will close to the public and no access to the premises will be granted.

I do not believe this will counter the damage caused to the (relatively) tranquil and harmonious environment we currently enjoy with increased activity expected to be seen. It will disturb the peace.

We already see Uber drivers, Deliveroo drivers, JustEat drivers parking on Florence and Broadfield Roads with their engines running, music on, and often making phonecalls on their cars hands-free where you can almost join in the conversation because the volume is so loud.

As the driver's activity is going to be restricted outside of the shop, this problem will just be shifted elsewhere. We already see that. It is shifted to the surrounding roads. This activity is not acceptable until 12:30am. It is absolutely not acceptable until 3:00am in the morning.

There is a care home in Florence Road so we must be considerate to the impact that the noise and disturbances make on those elderly residents. In addition, there are now many households in both roads with small children who are witness to the noise, the litter and the behaviour of the customers of this takeaway restaurant.

We must ensure that the children, and indeed all residents living here, feel safe.

The conditions described above are not conducive to a safe, secure, tranquil and harmonious living environment.

Yours sincerely

Broadfields Road
Birmingham
B23

From:
Sent: 31 July 2020 18:01
To: Licensing
Subject: License application objection 439 Birmingham Road.

Dear Sir/Madame,

I am a resident of Wylde Green Sutton Coldfield Ward and am emailing you because I and many other residents are very concerned about an application to extend the hours during which Pepe's Fini Fino 439 Birmingham Rd may serve food, namely till 3am every evening/early morning.

Objection is based on the fact that this is a community high street and these extended hours will create unwelcomed noise, litter and possibly general anti-social activity. The premises is close to many quiet side roads leading from the Birmingham Road all of which have residential properties. Also there are a good number of residents who live in properties above the shops and businesses along this section of Birmingham Road, especially on the opposite side.

The other similar traders along the Birmingham Rd e.g. Verdo Lounge, The Yenton Public House all have excellent controls over the excessive noise during the evening and at closing time in regard to the residential properties nearby, this works very well. Residents are generally very happy to support local traders but not to the detriment of the area, living conditions and other traders.

I would urge you to reconsider this application with a view to an objection on the basis that it is inappropriate for the type of area and local character.

Yours,



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 | <input type="text" value="Not Currently In Use"/> | This is the unique reference for this application generated by the system. |
| Your reference | <input type="text"/> | 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? | | Put "no" if you are applying on your own behalf or on behalf of a business you own or work for. |
| <input type="radio"/> Yes <input checked="" type="radio"/> No | | |

Applicant Details

| | | |
|---|------------------------------------|-----------------------|
| * First name | <input type="text" value="Nasir"/> | |
| * Family name | <input type="text" value="Munir"/> | |
| * E-mail | <input type="text"/> | |
| Main telephone number | <input type="text"/> | Include country code. |
| Other telephone number | <input type="text"/> | |
| <input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone | | |

Are you:

- ☒ 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

| | | |
|---|---|---|
| Is your business registered in the UK with Companies House? | <input checked="" type="radio"/> Yes <input type="radio"/> No | Note: completing the Applicant Business section is optional in this form. |
| Registration number | <input type="text" value="11042804"/> | |
| Business name | <input type="text" value="My Shop 7 Limited"/> | If your business is registered, use its registered name. |
| VAT number | <input type="text" value="-"/> | Put "none" if you are not registered for VAT. |
| Legal status | <input type="text" value="Private Limited Company"/> | |

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

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

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ 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
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Address

| | |
|-------------------------------|----------------------|
| Building number or name | <input type="text"/> |
| Street | <input type="text"/> |
| District | <input type="text"/> |
| City or town | <input type="text"/> |
| County or administrative area | <input type="text"/> |
| Postcode | <input type="text"/> |
| Country | <input type="text"/> |

Contact Details

| | |
|------------------------|----------------------|
| E-mail | <input type="text"/> |
| Telephone number | <input type="text"/> |
| Other telephone number | <input type="text"/> |

| | | | | | |
|-----------------|----------------------|---|----------------------|---|----------------------|
| * Date of birth | <input type="text"/> | / | <input type="text"/> | / | <input type="text"/> |
| | dd | | mm | | yyyy |

| | |
|---------------|----------------------|
| * Nationality | <input type="text"/> |
|---------------|----------------------|

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

| | | | | | |
|---|----------------------|---|----------------------|---|----------------------|
| When do you want the premises licence to start? | <input type="text"/> | / | <input type="text"/> | / | <input type="text"/> |
| | dd | | mm | | yyyy |

| | | | | | |
|---|----------------------|---|----------------------|---|----------------------|
| If you wish the licence to be valid only for a limited period, when do you want it to end | <input type="text"/> | / | <input type="text"/> | / | <input type="text"/> |
| | 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.

Pepe's Piri Piri
Fast food family friendly, takeaway and restaurant establishment

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes

☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☐ Yes

☒ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

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

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes

☐ No

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

Continued from previous page...

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.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☐ Yes

☒ No

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'.

Section 16 of 21

ADULT ENTERTAINMENT

Continued from previous page...

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.

| |
|----------------------|
| |
|----------------------|

Section 17 of 21

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.

Section 18 of 21

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.

Licence holder shall ensure all licensing objectives are known to employees and followed.

b) The prevention of crime and disorder

The Premises Licence holder will ensure that the premises primary use will be as a restaurant and fast food takeaway. The CCTV will operate whenever the premises are open to members of the public. The Premises will operate a zero tolerance policy in relation to drugs

c) Public safety

The Premises Licence holder will operate a zero tolerance approach towards drunken and anti social behaviour. No persons will be allowed to loiter outside the premises. The Premises Licence holder will ensure that prominent, clear and legible notices are displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

d) The prevention of public nuisance

The Premises Licence holder will operate a zero tolerance approach towards drunken and anti social behaviour. No persons will be allowed to loiter outside the premises. The Premises Licence holder will ensure that prominent, clear and legible notices are displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

e) The protection of children from harm

The Premises Licence holder will ensure that no children under the age of 16 will be allowed on the premises after 23:00hrs unless accompanied by adult.

Continued from previous page...

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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 in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

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 birth or adoption certificate issued 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 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.

Continued from previous page...

- 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.
- 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 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, 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.

Continued from previous page...

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.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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

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 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.

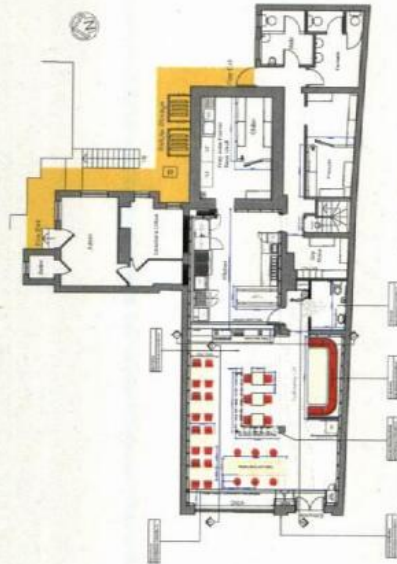
Don't forget to make sure you have all your supporting documentation to hand.

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

Pepe's Piri Pir
439 Birmingham Road, Sutton Coldfield
B72 1AX

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Proposed Ground Plan

Proposed Ground Floor Plan
Scale 1:100@A1

NOTES
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| REVISIONS | | | |
|-----------|-------------------------------|---------|----|
| NO | DESCRIPTION | DATE | BY |
| 1 | Initial design | 2023/10 | |
| 2 | Design to client requirements | 2023/10 | |
| 3 | Design to client requirements | 2023/10 | |
| 4 | Design to client requirements | 2023/10 | |
| 5 | Design to client requirements | 2023/10 | |
| 6 | Design to client requirements | 2023/10 | |
| 7 | Design to client requirements | 2023/10 | |
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| 49 | Design to client requirements | 2023/10 | |
| 50 | Design to client requirements | 2023/10 | |

MSC BUILD LTD.
439 BIRMINGHAM ROAD
SUTTON COLDFIELD
B72 1AX

STATUS
CONSTRUCTION ISSUE

PROJECT
PEPE'S PIRI PIR
439 BIRMINGHAM ROAD
SUTTON COLDFIELD
B72 1AX

TITLE
PROPOSED GROUND
FLOOR PLAN

SCALE
1:100@A1

DATE
24/01/2018

DRAWING NO.
PEPE'S-02-T-0-REV-D

From: bw licensing
Sent: 14 July 2020 08:07
To: Licensing
Cc:
Subject: FW: [External]: GRANT - PEPE'S PIRI PIRI, 439 BIRMINGHAM ROAD, BIRMINGHAM, B72 1AX

Dear Licensing,

With regard to the premises licence application for Pepe's Piri Piri, 439 Birmingham Rd B72 1AX.

West Midlands Police have reviewed this application and are happy that if the below conditions are added to the licence, together with the operating conditions already offered by the applicant then the licensing objectives will be met and promoted. The below conditions have been agreed with the application, as per below email chain who is copied into this.

- CCTV will retained images/ recordings for a minimum of 28 days. CCTV will display the correct time and date stamp. CCTV will be downloadable and made immediately available to any of the responsible authorities on request.
- There will be no open containers of alcohol allowed within the premises, there will be no consumption of alcohol allowed on the premises.
- The premises will not allow delivery drivers to sit in or on their vehicles with the engine running while waiting for a delivery. The premises will not allow delivery drivers to play music while in / on their vehicles that is audible to members of the public that would be at a level to constitute a noise nuisance. The premises will not allow drivers to over rev their engines. The premises will have written documented training for all delivery drivers that will be signed as understood by the drivers. All drivers will receive this documented training prior to the commencement of their first delivery.
- From 00.30hrs the premises will operate a home delivery service only. From this time the premises will close to the public and no access to the premises will be granted.

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

Regards and thanks

Chris Jones 55410

Birmingham Central Licensing Team West Midlands Police

From: Noor Khan
Sent: 13 July 2020 11:31
To: bw licensing
Subject: Re: [External]: GRANT - PEPE'S PIRI PIRI, 439 BIRMINGHAM ROAD, BIRMINGHAM, B72 1AX

Morning

We agree to your conditions

Thanks

From: Noor Khan
Sent: 04 August 2020 15:50
To: Jane Dunsford
Cc: Licensing
Subject: Re: License Application Pepe's Piri Piri Chicken, 439 Birmingham Road, Wylde Green

Hi Jane

Thank you for agreeing to those times, we have state of the art equipment and can assure you that we we will keep noise to the minimum as being home owners ourselves we appreciate the important of noise nuisance.

In terms of planning thanks for bringing that to our attention. It's surprising that they have not said anything, nonetheless I will be on top of that process too.

Thanks

From: Jane Dunsford
Sent: 04 August 2020 15:43
To: Noor Khan
Cc: Licensing
Subject: RE: License Application Pepe's Piri Piri Chicken, 439 Birmingham Road, Wylde Green

Noori,

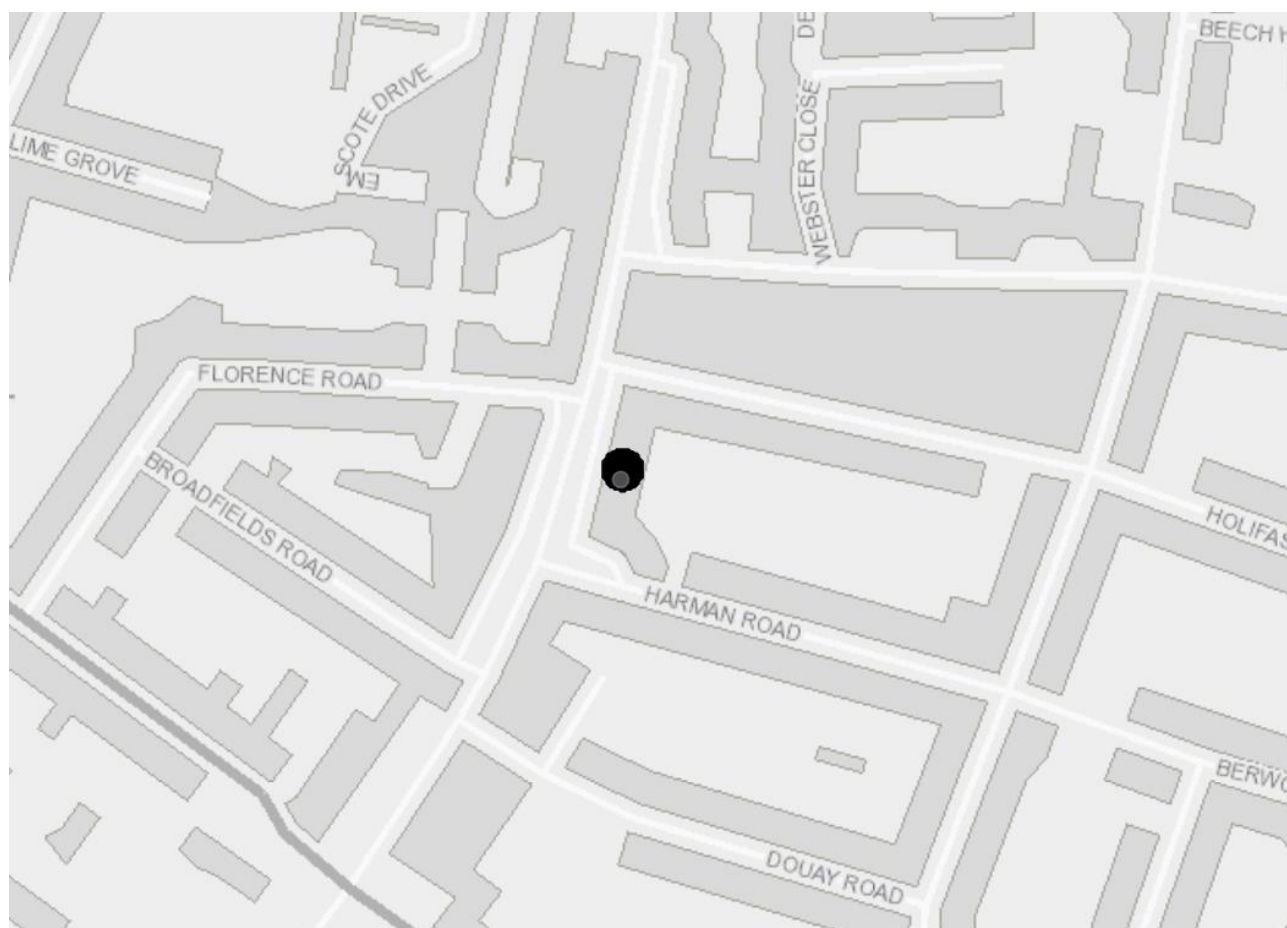
I agree that the hours can be until 12.30am for the restaurant and 1am for the deliveries, but would like to suggest the following condition to alleviate my concerns about noise from the kitchen extraction.

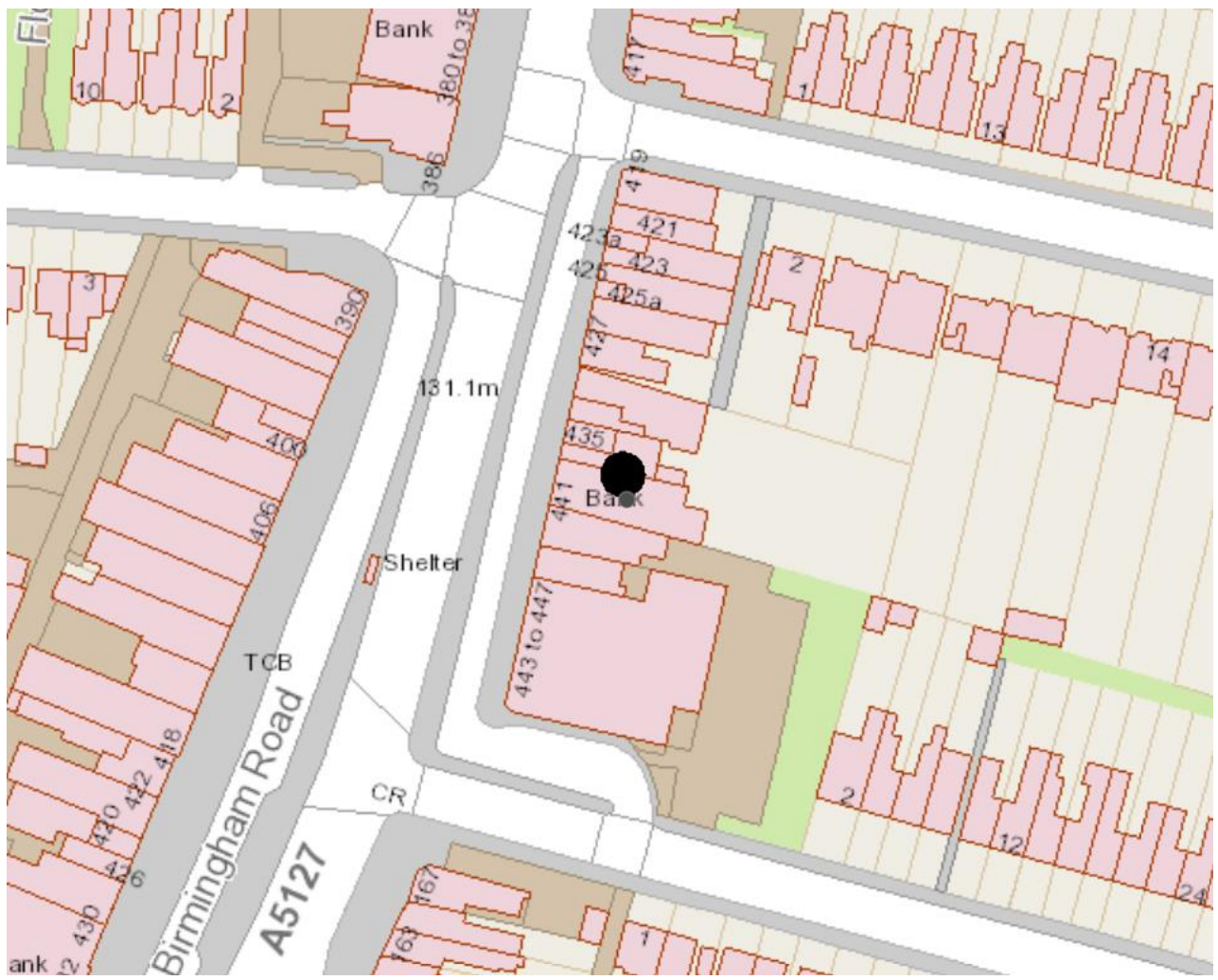
Noise from the kitchen extraction system shall be inaudible at the façade of any noise sensitive premises.

Please copy in Licensing if you agree. I would also remind you your planning permission is only until 10.30pm, you will need to apply to vary this and it is likely a noise assessment will be required.

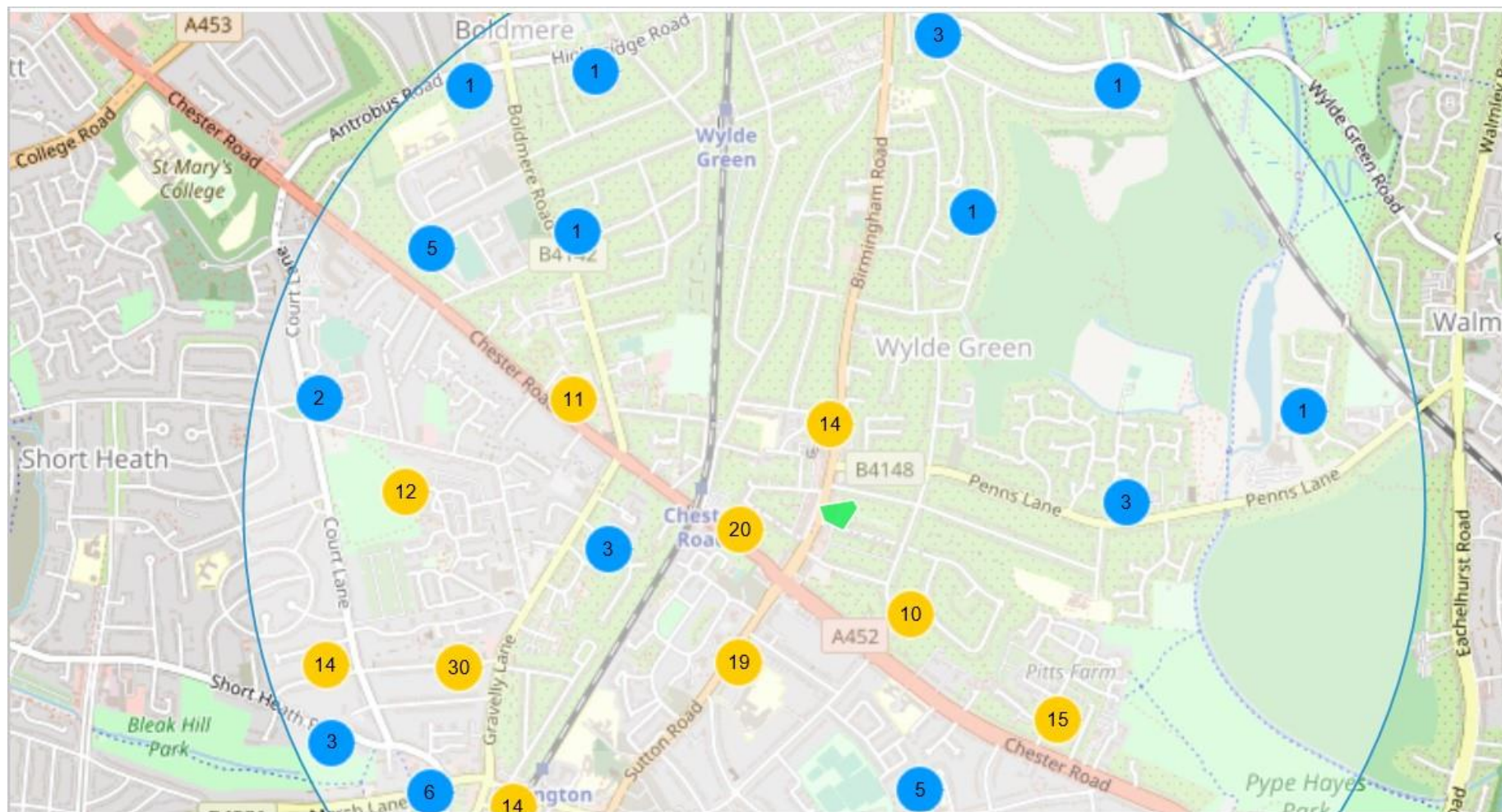
Regards

Jane
Jane Dunsford
Environmental Protection Officer
Environmental Protection Unit
Regulation & Enforcement
Neighbourhoods Directorate
Birmingham City Council
Manor House
40 Moat Lane
Birmingham
B5 5BD















Sutton Coldfield
439 Birmingham Road
Birmingham
B72 1BB

Tel: 0121 655 0280

Date: 16/08/2020
Time: 00:45:59

Takeaway 119
User: HOLLY

1 x 5x Pepe's Wings
- Meal
- Hot
- Pepsi

Total:

Paid By: HOLLY BAKER

Card:

MID: M:520334509596474
TID: 16798366
Card Name: MASTERCARD
AID: A0000000041010
PAN: *****3414
REF:
SEQ: 00

Sale: £6.59

Auth Code: F05978
Waved

Sutton Coldfield
Tel: 0121 655 0280

Sutton Coldfield 1

Takeaway 119

User: HOLLY

THANK YOU FOR YOUR CUSTOM

VAT Reg No: 311 7678 06

THANK YOU FOR YOUR CUSTOM

