

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE B

TUESDAY, 12 FEBRUARY 2019 AT 09:30 HOURS
IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

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

A G E N D A

1 NOTICE OF RECORDING

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

2 DECLARATIONS OF INTERESTS

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

3 APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

4 MINUTES

3 - 20

To note the public section of the Minutes of the meeting held on 17 July 2018.

To note the public section of the Minutes of the meeting held on 30 October 2018.

To note the public section of the Minutes of the meeting held on 27 November 2018.

To note the public section of the Minutes of the meeting held on 8 January 2019.

5 LICENSING ACT 2003 PREMISES LICENCE – VARIATION MACE **CONVENIENCE STORE, HARBORNE SERVICE STATION, 231 COURT** **OAK ROAD, HARBORNE, BIRMINGHAM, B17 9AD**

21 - 66

Report of the Acting Director of Regulation and Enforcement.
N.B. Application scheduled to be heard at 11:00am

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.

7 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraph 3

P R I V A T E A G E N D A

1 **MINUTES**

To note the private section of the Minutes of the meeting held on 17 July 2018 and to confirm and sign the Minutes as a whole.

To note the private section of the Minutes of the meeting held on 30 October 2018 and to confirm and sign the Minutes as a whole.

To note the private section of the Minutes of the meeting held on 27 November 2018 and to confirm and sign the Minutes as a whole.

To note the private section of the Minutes of the meeting held on 8 January 2019 and to confirm and sign the Minutes as a whole.

2 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

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

LICENSING SUB COMMITTEE B 17 JULY 2018

**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE B
HELD ON TUESDAY 17 JULY 2018
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Nagina Kauser in the Chair;

Councillors Barbara Dring and Adam Higgs

ALSO PRESENT

Bhapinder Nandra, Licensing Section
Joanne Swampillai, Committee Lawyer
David Smith, Committee Manager

NOTICE OF RECORDING

- 1/170718 The Chairperson advised and the meeting noted that members of the press/public may record and take photographs, except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

- 2/170718 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 to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/170718 Councillor Brennan submitted apologies and Councillor Dring was the nominee Member.

MINUTES – PUBLIC

- 4/170718 The public part of the Minutes of the meeting held on 29 May 2018 were noted.
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LICENSING ACT 2003 PREMISES LICENCE (VARIATION) – FIGHTING COCKS, 1 ST MARY'S ROW, MOSELEY, BIRMINGHAM B13 8HW

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting:

On behalf of the applicant

James Clarke – Mitchells and Butlers (Designated Premises Supervisor)
Steven Gollins – Mitchells and Butlers (Area Manager)
Jonathan Smith – Poppleston Allen Solicitors

Those making representations

Those making representations did not attend the meeting.

* * *

Following introductions by the Chairperson, Bhapinder Nandra, Licensing Section, made introductory comments relating to the report.

An additional email with a letter to residents and a list of Temporary Event Notices (TENS) for the Fighting Cocks was tabled by Mr Jonathan Smith as follows:-

(See document No. 2)

Mr Jonathan Smith made the following points in support of the application:-

- a) The intention of the application to vary the licence was to bring forward the opening time by 2 hours and to close 1 hour later. Also, it would remove the requirement for a break on Sunday afternoons.
- b) The licence was for 24 hours, but the licensee had sought to restrict the hours following consultation with West Midlands Police. The licensee was seeking also to apply a condition of closing the beer garden at 2300 hours following discussions with local residents.
- c) The premises had been licensed for a very long time and had operated as a music venue, with Morrissey being among the performers there. The public house was now more food focussed and operated as a 'gastro pub'.
- d) West Midlands Police had not stated any objections to the application. There had been 2 calls in the last year for minor incidents only and the only request had been to restrict the 24-hour licence.

- e) Residents had been invited to attend a meeting on 14 May 2018 and 4 people had attended. The person making representations had not attended. The resident at No. 2 King Edwards Road had attended and his property was served by the alleyway where people had urinated. The residents at Nos. 1, 3 and 31 King Edwards Road had attended as well.
- f) No objections had been raised by the residents at the meeting, but they had requested that the beer garden be closed at 2300 hours. Discussions had been held with the Moseley Society as well and they had not raised an objection to the application.
- g) In the local area, 3 public houses/bars sold alcohol until 0200 hours and 2 more sold alcohol until midnight.
- h) He referred to the tabled documents and advised that the Fighting Cocks had been issued 37 days of TENS in the previous 2 years. 5 days of the TENS had been up to 0100 hours. No complaints or objections had been received from residents, the Police or Environmental Health.
- i) The resident making representations had been invited to the meeting on 14 May 2018, but had not attended. However, in response to residents who did attend the beer garden use had been restricted.
- j) The licensee had acknowledged concerns regarding noise. One incident had related to a gate closing. Another incident was on a hot night, when an amplifier had been used outside and had to be moved back inside the building.
- k) The alleyway was not controlled by Mitchells and Butlers and was a 'dead end'.

In response to questions from Members of the Sub-Committee, the representatives on behalf of the applicant made the following points:-

- a) There had not been any previous complaints in the past about a public nuisance caused by noise from the beer garden. The beer garden was not used for music and would be closed at 2300 hours following discussions with local residents.
- b) The Fighting Cocks would not be opening for 24 hours each day and, therefore, they could confirm that there would not be recorded music played on the premises for 24 hours. No amplified music was played in the beer garden. The TENS were for music inside the building only and not for music outside.
- c) An apology had been made to residents for a one-off incident of music played outside, to which reference had been made earlier, but that was not during late hours. The music inside was 'easy listening/acoustic' music.
- d) The smoking area was situated in the beer garden until 2300 hours and then moved to the front of the building until the premises closed.

- e) Taxis came to the front of the building and normally did not stop in King Edwards Road. If customers caused a disturbance when they left, the Designated Premises Supervisor or other staff members would take action to stop that. No representations or objections had been made regarding customers causing a disturbance as they left.
- f) No refusals had been made of the TENS applications. The public house operated an Under-25s ID policy to ensure no underage drinking. Children were not allowed in the beer garden from 1000 hours onwards and were not allowed in the building after 2000 hours.
- g) In King Edwards Road, restrictions applied allowing residents only to park there after 1600 hours.

In summary, Mr Jonathan Smith highlighted that he understood that there was a 'cumulative impact' policy in place in Moseley and that each case had to be considered on merit, based on the evidence presented at the meeting. Members would need to consider whether the application would create problems. He suggested that it was unlikely to add to the 'cumulative impact'. The national guidance, at paragraphs 9.12 to 9.16 referred to the Police and Environmental Health, but neither body had submitted representations. Discussions had been held with the Police and it had been agreed to restrict the opening hours, which was included in the conditions offered. Also, the licence holder was agreeing to a request from local residents to close the beer garden at 2300 hours. A meeting had been held with residents, discussions had been held with the Moseley society and a series of TENS had been obtained to test whether problems would occur. No complaints had been made as a result of the events held. Therefore, he believed that the balance of probability was that the application would not lead to an increase in problems in the area.

At 1015 hours, the meeting was adjourned. All parties with the exception of Members, the Committee Lawyer and the Committee Manager left the meeting.

At 1101 hours, the meeting was reconvened, all parties were invited back into the meeting room and the representatives on behalf of the client were advised that Members were minded to request that the closing time of the beer garden be brought forward to 2200 hours. However, Mr Jonathan Smith advised that it would create a problem for the licence holder.

At 1110 hours, the meeting was adjourned again. All parties with the exception of Members, the Committee Lawyer and the Committee Manager left the meeting. On seeking further legal advice, Members were advised that they could only accept the volunteered condition of closing the beer garden at 2300 hours, as this was a variation application.

Therefore, at 1118 hours, the meeting was reconvened and all parties were invited back into the meeting room.

The decision was as follows:-

5/170718 **RESOLVED:-**

That the application by Mitchells & Butlers Leisure Retail Limited to vary the premises licence in respect of Fighting Cocks, 1 St Mary's Row, Moseley, Birmingham, B13 8HW under section 34 of the Licensing Act 2003, be granted subject to the volunteered condition that the external beer garden shall close by 2300 hours.

The Sub-Committee noted in particular that no representations had been made by the Responsible Authorities.

The Sub-Committee was impressed that efforts had been made by the premises, in advance of the meeting, to speak to local residents to address their concerns. The premises also volunteered a condition, namely that the beer garden should close at 2300 hours, which the Sub-Committee accepted.

The Sub-Committee noted that a Cumulative Impact Policy is in force for the Moseley area, and that the premises are located within the area covered by the policy. However the Sub-Committee noted that other premises in the vicinity operated to a far later hour – some of them even to 0200 hours. The Fighting Cocks premises had also operated under numerous Temporary Event Notices from time to time across two years, without problems. The Sub-Committee therefore concluded that any adverse impact on the licensing objectives from these premises, particularly the likelihood of public nuisance, was not likely to arise, even within the Cumulative Impact Zone.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy (including the Cumulative Impact Policy in force for the Moseley area), the Guidance issued under Section 182 of the Licensing Act 2003 by the Home Office, the application for variation, the written representations received and the submissions made at the hearing by the applicant and their legal adviser.

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.

OTHER URGENT BUSINESS

6/170718 There was no urgent business.

BIRMINGHAM CITY COUNCIL

LICENSING SUB - COMMITTEE B - 30 OCTOBER 2018
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**MINUTES OF A MEETING OF
LICENSING SUB-COMMITTEE B HELD
ON TUESDAY 30 OCTOBER 2018
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Nagina Kauser in the Chair;

Councillors Barbara Dring and Bob Beauchamp. Cllr Sharpe observed.

ALSO PRESENT:

Emma Rohomon – Licensing Section
Joanne Swampillai – Legal Services
Katy Poole – Committee Services.

NOTICE OF RECORDING

- 1/301018 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.
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DECLARATIONS OF INTERESTS

- 2/301018 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest are declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.
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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/301018 Apologies were submitted on behalf of Councillor Adam Higgs and Councillor Bob Beauchamp was the nominee Member.
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- 4/301018 **MINUTES**

That the public part of the Minutes of meeting held on 9 October 2018 were noted.

5/301018 **ANY OTHER URGENT BUSINESS**

There were no matters of urgent business.

EXCLUSION OF THE PUBLIC

6/301018 **RESOLVED:**

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-
(Paragraphs 3 & 4)

BIRMINGHAM CITY COUNCIL

LICENSING SUB COMMITTEE B 27 NOVEMBER 2018

**MINUTES OF A MEETING OF
LICENSING SUB COMMITTEE B
HELD ON TUESDAY 27 NOVEMBER 2018
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Nagina Kauser in the Chair

Councillors Barbara Dring and Adam Higgs

ALSO PRESENT

Bhapinder Nandra, Licensing Section
Joanne Swampillai, Committee Lawyer
Katy Poole, Committee Manager

NOTICE OF RECORDING

1/271118 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

DECLARATIONS OF INTERESTS

2/271118 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 to be recorded in the minutes of meeting.

APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

3/271118 Apologies were submitted on behalf of Councillor Sharpe, Councillor Dring was the nominee Member.

MINUTES – PUBLIC

4/271118 That the public part of the Minutes of meetings held on 9th October 2018 were

noted.

That the Minutes of meeting held on 16th October 2018 were circulated, confirmed and signed by the Chairman.

**LICENSING ACT 2003 (TEMPORARY EVENT NOTICE) - ARCH 7,
LOWER TRINITY STREET, BIRMINGHAM, B9 4AG**

The following report of the Acting Director of Regulation and Enforcement was submitted:-

(See document No. 1)

The following persons attended the meeting.

On behalf of the applicant

Hitesh (Billy) Chauhan – Applicant
Patrick Burke – Agent
Mr Mitesh Chauhan - Brother

Those making representations

PC Abdool Rohomon – West Midlands Police
PC Deano Walker – West Midlands Police

* * *

Following introductions by the Chairman, Bhupinder Nandra, Licensing Section, made introductory comments relating to the report.

In response to questions from Members of the Sub-Committee, Mr Patrick Burke, on behalf of the applicant made the following points:-

- a) That Arch 7 was not a licensed premises. The premises had been used by “Billy” several times, to hold similar events, with similar operating times. Those events went ahead with no issues.
- b) The police were not satisfied that the premises were a suitable venue, and were concerned regarding public safety. However, they had not raised any issues for previous events. There were no changes to the venue since the last event, which they did not object to.
- c) That all the risk assessments had been submitted.
- d) That The Monastery was a completely different building.

At this stage, Mr Burke related to chapter 8 of the House of Lords Report: “*Select*

Committee on the Licensing Act 2003 - The Licensing Act 2003: post-legislative scrutiny - Report of Session 2016-17 - published 4 April 2017 - HL Paper 146). In particular, paragraphs 330-331.

- “Temporary Event Notices (TENs) are a ‘light touch’ system for regulating temporary events with fewer than 500 people (including staff) held by individuals, organisations or businesses where alcohol will be sold.”
- “Community versus commercial”
- “Many local councils and local residents’ associations shared this view that the system was being abused by licensees.”
- “A common, but misplaced, assumption is that TENs were originally devised for community purposes, but are now being abused by commercial operators. Those who hold this view believe TENs are functioning as legal loopholes to evade the terms imposed on commercial operators through premises licences, particularly with respect to later opening hours, allowing businesses to evade proper scrutiny and effectively acting as a second, much laxer, shadow licensing regime alongside the main provisions of the Act.”

Mr Burke continued:-

- a) That the event would be for around 300 people, and was going to be held in a separate building to The Monastery.
- b) That “Billy” was told by Environmental Health to do TENs to assess the impact, in order to prepare for a grant application for Arch 7.

Mr Hitesh (Billy) Chauhan made additional points:-

- a) That they were preparing to submit a grant application, which was why they were holding TENs, in order to aid their application.
- b) That they had no previous issues with the others TENs they had already held.
- c) They had held 10 TENs already.
- d) No one had objected to the previous TENs, which were more or less identical in terms of operating times and the actual events.
- e) PC Walker had a site visit on a number of occasions to demonstrate there had been no changes to the building.
- f) That they wanted to liaise with PC Walker but he had failed to turn up on 2 separate occasions. In the end they had a telephone conversation with PC Walker.

- g) They had tried to do as much as they could over the phone.
- h) That in the evidence bundle there was a certificate from a structural engineer confirming the building was safe.
- i) That if anyone was excessively drunk they had a duty of care and had policies and procedures in place.
- j) That they had carried out full risk assessments and issued them to West Midlands Police.
- k) That they would like to know what the concerns for public safety are. The police have not given specific concerns. They felt frustrated as they had tried to find out, but unsuccessfully.
- l) That the fact WMP had not objected previous, meant there was no structure to their argument.
- m) That the Arch 7 had no licence and The Monastery was a separate venue.
- n) They have demonstrated they can operate until 1030am.

In response to Members questions, PC Walker, on behalf of West Midlands Police, made the following points:-

- a) That the police licensing team had experience with this venue already.
- b) That they usually get risk assessments prior to the application for TENs.
- c) In this case they had received 2 risk assessments; first one was called Techno Disco, with the address as the Monastery and Arches.
- d) They found a few discrepancies with the risk assessment.
- e) The number of people attending would be 250, but then it was 250. Another issue was the age groups; it said 18-30 then 18-40years.
- f) The one risk assessment said that door staff would be situated on the stairs, yet Arch 7 had no stairs. So why would door staff be on the stairs?
- g) The second Risk assessment was for Master of Old School Rock, which was 9pm until 5am with the Monastery address. This risk assessment stated 200 people would be attending; however, they have applied for 300.
- h) The age range on the risk assessment was 22-55, then 22-30.
- i) Both risk assessments were received, but no TENs attached to them.
- j) First TENs was 15th November Techno Disco, at the Arch, but no number, so couldn't say whether it was 7 or one of the other Arches.

- k) The TENs application did not match risk assessment the operating hours were midnight- 1030am. The name of the event was different; the event address was also different to the TENs. Police made representations.
- l) There were concerns that the risk assessments do not match, leading them to believe that The Monastery was being used instead of Arch 7.
- m) By holding the event at The Monastery they would be circumventing the conditions set upon the licensing, by the Licensing Committee.
- n) Again Techno disco did not match either. Different name event again and different event locations.
- o) They had a telephone discussion on 19th November with the applicant and their agent, whom said they would withdraw the TENs which were to run until 1030am.
- p) PC Walker did admit that he had missed the appointment.
- q) Then he received an email from BCC Licensing advising them that a TENs application had been received for an event to finish at 1030am, contravening what was said on the phone.
- r) That the event they had applied for was not Arch 7 and they were concerned about that.

At this stage PC Walker referred to the police evidence bundle at pages 21-22 in order to show Members the discrepancies and the issues they were concerned about. He made comments relating to the sale of tickets for the event on social media. Furthermore, he then pointed Members to page 29 of the evidence bundle to show that “9 artists” had been confirmed when the risk assessment only stated 4, with others to be confirmed; yet they had not received any confirmation of any further artists.

Moreover, PC Walker referred to page 30 which also showed that the event was being held at The Monastery, giving the name of the venue as such, along with the address; that of The Monastery. There was further information about the event, stating it to be held in 4 rooms, yet Arch 7 was only one room. All of these factors led the police into believing that the event was going to be held at The Monastery, and not at Arch 7.

PC Walker then referred Members to the map at the back in order to demonstrate to Members exactly where the venue was and where The Monastery was.

PC Walker explained that when he submitted the objection he had little information, but things had since developed.

PC Abdool Rohomon explained that the House of Lords Report had not been adopted by the Home Officer and they had objected to much of it. Therefore, it

should have no bearing on decision making.

At this stage in the meeting PC Walker, on behalf of West Midlands Police, summed up:-

- That there was much confusion over the risk assessments, social media, application and the TENs.
- There had been 2 applications for the same day, which had different ending times and venues.
- They had no faith in the applicant to promote the licensing objectives due to the risk assessments and general admin.
- Risk assessments were unclear and poor.
- That he had attempted to work with the premises.
- They knew the venue well.
- The applicant had not evidenced that they could promote the licensing objectives.
- Social Media advertising led them to believe it was being held at The Monastery.
- Would the Committee have confidence in the risk assessments to grant the TENs application? As police they would say no.

In summing up Mr Burke, on behalf of the applicant, made the following points:-

- That there had been many events, with no issues.
- That the telephone conversation was an error on “Billy’s” part. He did not realise you could amend a TENs application. So therefore, they withdrew the second one simply because the hearing was already booked for today and he was happy to reduce the hours to 5am.

Mr Hitesh Chauhan interjected asking if he could respond to PC Walker evidence.

PC Rohomon advised that the applicant and his agent were served the police evidence bundle, and chose not to make comments on it.

The Chairman advised that the meeting would be adjourned to seek legal advice. At this stage (1038 hours) all parties, with the exception of the Members, Committee Lawyer and Committee Manager withdrew from the meeting.

At 1047 the meeting was reconvened and all parties were invited back into the meeting room.

The Chairman advised that they would allow Mr Chauhan to clarify the one point and then he would be invited to continue summing up his evidence.

Mr Chauhan explained that the event at The Monastery advertised on social media was an entirely different event. They had an event Friday and Saturday at The Monastery and one on Saturday at Arch 7.

PC Rohomon advised that a risk assessment had not been submitted for the event.

Mr Burke continued to sum up, on behalf of the applicant:-

- That he could see why it was confusing which event was which, but events at The Monastery did not need TENs applications.
- There had been numerous events at Arch 7 which had not caused any issues.

At 1050 hours the Chairman requested all present, with the exception of Members, the Committee Lawyer and the Committee Manager to withdraw from the meeting.

At 1134 the meeting was reconvened and all parties were invited back into the meeting. The decision of the Licensing Sub Committee B was announced as follows:-

5/271118

RESOLVED:-

That, having considered the objection notice from West Midlands Police in respect of the temporary event notice as submitted by Mr Hitesh Chauhan, the premises user, for an event to be held on 1st December 2018 at Arch 7, Lower Trinity Street, Birmingham B9 4AG, 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 and to promote the licensing objectives, particularly that of public safety, in the Act.

After hearing objections from West Midlands Police, the Sub-Committee was of the opinion that allowing the event to proceed at the premises would be likely to undermine the licensing objectives. The Police's main concern was that the Risk Assessments were unsatisfactory and did not accurately reflect the temporary event. It was the Police's recommendation that the event should not be permitted.

Although due regard was given to the premises user's representation, the Sub-Committee was not confident that the premises user could overcome the concerns raised by the Police. The Sub-Committee felt unable to permit any risk to public safety whatsoever at a very late-night event. The Sub-Committee therefore determined that it would be appropriate to issue a Counter Notice, to ensure the promotion of the licensing objectives in the Act.

The Sub-Committee has had regard to the evidence, argument and submissions placed before it, in addition to the report, the Home Office Guidance issued under s182, 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.

OTHER URGENT BUSINESS

6/271118 There was no urgent business.

EXCLUSION OF THE PUBLIC

7/271118 **RESOLVED:**

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-
(Paragraphs 3 & 4)

BIRMINGHAM CITY COUNCIL

LICENSING SUB - COMMITTEE B - 8 JANUARY 2019

**MINUTES OF A MEETING OF
LICENSING SUB-COMMITTEE B HELD
ON TUESDAY 8 JANUARY 2019
AT 0930 HOURS IN ELLEN PINSENT ROOM,
COUNCIL HOUSE, BIRMINGHAM**

PRESENT: - Councillor Nagina Kauser in the Chair;

Councillors Barbara Dring and Adam Higgs

ALSO PRESENT:

Chris Arundel– Licensing Section
Simon Mortimer – Legal Services
Katy Poole – Committee Services.

NOTICE OF RECORDING

- 1/080119 The Chairman advised the meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.
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DECLARATIONS OF INTERESTS

- 2/080119 Members were reminded that they must declare all relevant pecuniary and non-pecuniary interests arising from any business discussed at the meeting. If a disclosable pecuniary interest are declared a Member must not speak or take part in that agenda item. Any declarations to be recorded in the minutes of meeting.
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APOLOGIES AND NOTIFICATION OF NOMINEE MEMBERS

- 3/080119 No apologies were submitted.
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4/080119 **MINUTES**

That the public section of the Minutes of the meeting held on 11 December 2018 were noted.

That the public section of the Minutes of the meeting held on 26 September 2018 were noted.

5/080119 **ANY OTHER URGENT BUSINESS**

There were no matters of urgent business.

EXCLUSION OF THE PUBLIC

6/080119 **RESOLVED:**

That in view of the nature of the business to be transacted, which includes exempt information of the category indicated, the public be now excluded from the meeting:-
(Paragraphs 3 & 4)

BIRMINGHAM CITY COUNCIL**PUBLIC REPORT**

Report to:	Licensing Sub Committee B
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Tuesday 12th February 2019
Subject:	Licensing Act 2003 Premises Licence – Variation
Premises:	Mace Convenience Store, Harborne Service Station, 231 Court Oak Road, Harborne, Birmingham, B17 9AD
Ward affected:	Quinton
Contact Officer:	Bhupinder Nandhra, Senior Licensing Officer, 0121 303 9896 licensing@birmingham.gov.uk

1. Purpose of report:

To consider relevant representations that have been made in respect of an application to vary the Premises Licence which seeks to extend the hours for the Sale of Alcohol (for consumption off the premises), to operate 24hours (Monday to Sunday).

To permit the provision of late night refreshment to operate from 11:00pm until 05:00am, (Monday to Sunday).

Premises to remain open to the public 24hours (Monday to Sunday).

2. Recommendation:

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

3. Brief Summary of Report:

Variation application received on 21st December 2018 in respect of Mace Convenience Store, Harborne Service Station, 231 Court Oak Road, Harborne, Birmingham, B17 9AD.

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:

<p>PKD Retail Limited applied on 21st December 2018 to vary the Premises Licence for Mace Convenience Store, Harborne Service Station, 231 Court Oak Road, Harborne, Birmingham, B17 9AD.</p> <p>Representations have been received from other persons. See Appendices 1 - 11.</p> <p>The application is attached at Appendix 12.</p> <p>The current Premises Licence is attached at Appendix 13.</p> <p>Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 14.</p> <p>Site Location Plans at Appendix 15.</p> <p>When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003. The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are:-</p> <ul style="list-style-type: none">a. The prevention of crime and disorder;b. Public safety;c. The prevention of public nuisance; andd. The protection of children from harm.

6. List of background documents:

<p>Copies of the representations are detailed in Appendices 1 – 11</p> <p>Application Form, Appendix 12</p> <p>Current Premises Licence, Appendix 13</p> <p>Conditions agreed with West Midlands Police, Appendix 14</p> <p>Site Location Plans, Appendix 15</p>
--

7. Options available

<p>To grant the variation application</p> <p>To refuse the whole or part of the application</p> <p>To modify the conditions of the Licence</p>
--

From:
Sent: 11 January 2019 11:33
To: Licensing
Subject: 109388. Mace Convenience Store, B17 9AD

To whom it may concern,

I wish to object to the license application made above, This is a residential area already well served with shops selling alcohol. I believe that granting this license will result in an increase in anti-social behavior and litter in the surrounding streets. Additionally, the noise generated by shops until 5am will cause disturbances to residences and increased traffic on an already busy road. Queens Park is over the road and already has issues with drug abuse and dealing at night, this can only serve to provide these people with an incentive to stay longer and/or attract further activity.

Many thanks

Tennal Lane.

From:
Sent: 11 January 2019 11:50
To: Licensing
Subject: 109388 objection

I write to object about the Mace convenience store opening longer hours at the petrol station on Hampton court road B179ah because of the noise, light pollution and the fact that there has been several robberies and thefts for alcohol and food and the police won't respond.

There is frequent drug dealing on that forcourt which has been reported too.

_____ Earl's Court road

And

_____ Earl's Court road

And

_____ Hampton Court Road

Sent from my iPhone

From:
Sent: 11 January 2019 11:57
To: Licensing
Subject: Objection to license application 109388

Hello,

I'm writing to raise my concerns about the following licence application:

Ref - 109388

Licence Holder name - PKD Retail Limited

Premises name - Mace Convenience store

I am a resident on Hampton Court Road, situated in very close proximity to Mace Convenience Store. I wish to raise a concern about increased crime and potential signification public nuisance, particularly in the form of noise and light pollution, caused by the extension of the application to extend the hours for the sale of alcohol to midnight, and to provide late night refreshments (LNR) until 5am.

This extension of these hours would go against the nature of this very quiet residential street.

There are no other late night shops in the vicinity, which is a reason that we moved from our previous home situated in a busier town centre area and moved to this location.

The street is comprised of families and elderly people who have chosen to live in a quiet location away from late night shops and alcohol sales, and we have not requested this service. The extension of the licencing hours would therefore be most likely of value to people outside of this vicinity travelling in to buy alcohol or late night refreshments.

Noise from car engines and car doors late into the night will disrupt sleep, as will people's voices.

People buying alcohol at that time of night will likely have been drinking previously and therefore likely to speak more loudly / shout and make noise. This street is almost silent at night time currently. The park opposite may be the destination for people to drink alcohol.

The applicant states that they will place a sign next to the exit requesting that customers 'respect the needs of the local community when leaving the premises'. Is there an evidence base to demonstrate that such signs have an effect on people's behaviour?

Additionally, I am concerned about the noise people make when walking or driving to and from the premises too. Should this licence be granted, a shop on the other end of the street, which currently closes by 9pm may be encouraged to apply for a similar extension for competition.

I understand that the garage used to be late-opening and that residents complained about the noise and disruption. There is a car vacuum there that is very noisy and people used in the night.

The business currently closes by, I believe, 9pm. These late night hours will mean that lighting is on throughout the night. There are properties all around.

As a homeowner, I am concerned about the impact this could have on my quality of life and sleep, and worried that it will affect my sale price and saleability of my property in future, as this will be a less desirable place to live.

In regards to prevention of crime - there have been a number of crimes committed at the shop in recent times (see posters on shop window stating this), to which I believe the police have failed to attend. Additionally, I have heard reports that the police have been informed about a drug dealing operating from the garage forecourt. It is likely that the incidence of crime is likely to increase with these extended opening hours throughout the night.

Finally, please advise me in plenty of time if you need to know my full address and contact details in order to accept this objection.

Many thanks,

From:
Sent: 11 January 2019 14:02
To: Licensing
Subject: Application 109388 Mace Convenience Store B17 9AD

Dear sir or madam,

I would like to register an objection to the above application on the grounds of public nuisance. This store is located in a residential area and immediately opposite Queens Park. Residents are likely to experience nuisance in the form of increased traffic late at night, together with car doors slamming and so on. Queens Park is already showing signs of drinking litter and vandalism (stashes of abandoned cans and bottles in corners, broken tree plantings etc), and a late license will only encourage people to buy drink and cross over into the park to consume it. Given the City's financial straits, I am surprised that any scheme should be considered which is going to endanger or damage a valuable public amenity such as the Park and necessitate a higher level of clean-up and repair.

_____ Grosvenor Road, Harborne B17 9AL

From: >
Sent: 11 January 2019 19:37
To: Licensing
Subject: Objectiin to extending opening times for sales of alcohol and other salesLicense application number 109388 Mace Convenience Store Court Oak Road B17 9ad

I object to the above application by Mace Stores for an extension of the sale of Alcohol until midnight and other sales until 5 am. With the garage/Mace Stores been both on a corner and near a park in a quiet village type residential area, I believe this will be create a public nuisance from the extra traffic noise when working people are sleeping. There would also most definitely be the danger of anti social behaviour particularly for the young and vulnerable hanging around late at night around garage corner and park causing anti social behaviour. Also a danger to public safety, from extra noise and pollution for residents. I do not feel there is a need for a late night shop within this area considering the close proximity to Hagley Rd, Hagley Rd West, Asfa at Oldbury and Wolverhampton Rd where there are already shops, restaurants and availability of Alcohol for sale. It is unfair to bring the World and its wife to a quiet residential area during the night. It is a sad state of affairs that the 24/7 society is fuelled by big companies like Mace. I shall be tli g as many people as possible to stop shopping at Mace. Regards, ,

From: _____
Sent: 12 January 2019 18:56
To: Licensing
Subject: Objection to change in opening times

I have been made aware that Mace convenience store on Court Oak Road Harborne has applied for extended opening hours. As a resident of Hampton Court Road for over 25 years I have lived on the road when it used to be open 24 hrs previously. The noise from vehicles coming and going, loud voices in the middle of the night not to mention it becoming a place for late night emergency drinking supplies is something I do not want to have on my doorstep. I strongly oppose this proposal. If I need to complete any further forms please do not hesitate to contact me.

Kind regards

____ Hampton Court Road

Sent from my iPhone

From:
Sent: 13 January 2019 10:09
To: Licensing
Subject: Licence objection - 109388

Hi

I'd like to log an objection to the following licence application please:
109388. Mace Convenience Store, B17 9AD.

I am concerned about 2 aspects of this:

- 1 - Public nuisance - this is an application for a late night and an overnight licence in a quiet residential area with residents very close by who are very likely to be disturbed by vehicles and shoppers.
- 2 - Crime - the local area has experienced a significant increase in crime (theft, burglary, car crime etc.) as well as regular local drug dealing outside this premises and the nearby park area (all reported to the police already). We are concerned that an overnight licence and late sales of alcohol will only exacerbate this issue.

Kind regards

From:
Sent: 14 January 2019 12:33
To: Licensing
Subject: license extension objection

Application Number - 109388 Mace Store B17 9AD

I would like to object to this application to extend the opening hours and sell alcohol as I feel there would be potential for a dramatic increase in noise, nuisance and unsocial behaviour which will affect residents, other business and the children's nursery next door to the site.

_____ Hampton Court Rd, B17 9AF

From:
Sent: 15 January 2019 18:47
To: Licensing
Subject: Public Nuisance

Hi there,

I've noticed there is a sign for Mace Convenience Store (the shop at the garage) on the corner of Hampton Court Rd/ Court Oak Rd has applied to extend its licence to sell alcohol until midnight and to stay open until 5am for other sales.

My partner and I, live at _____ Court Oak, and wish to say that we do not want the hours to be extended. Not only because of nuisance it would cause at all hours of the night but also public safety.

There has been enough chaos with the local court oak pub opening quite late serving alcohol. Harborne is a nice quiet place with a local park. We do not want young adults and adults being able to take advantage of the potential late hours, leaving more empty bottles and rubbish in the park for kids and dogs to find, noise throughout the night and causing nuisance.

I apologise for the rant but I we are both serious about not wanting the garage hours extended. I hope you can take our comments into consideration when reviewing.

Kind regards,

_____ court oak road, B17 9AD)

From:
Sent: 16 January 2019 21:41
To: Licensing
Subject: Objection to License Application 109388 Mace Convenience Store B17 9AD

I make a formal objection to the application 109388 due to public nuisance due to potential noise at late hours.

Kind regards,

____ Queens Park Road
Harborne
Birmingham
B32 2LB

From:
Sent: 17 January 2019 10:45
To: Licensing
Subject: Licensing objection / Ref - 109388

I'm writing to raise my concerns about the following licence application:

Ref - 109388

Licence Holder name - PKD Retail Limited

Premises name - Mace Convenience store

I am a resident on Hampton Court Road, situated in very close proximity to Mace Convenience Store. I wish to raise a concern about increased crime and potential signification public nuisance, particularly in the form of noise and light pollution, caused by the extension of the application to extend the hours for the sale of alcohol to midnight, and to provide late night refreshments (LNR) until 5am.

This extension of these hours would go against the nature of this very quiet residential street.

There are no other late night shops in the vicinity, which is a reason that we moved from our previous home situated in a busier town centre area and moved to this location.

The street is comprised of families and elderly people who have chosen to live in a quiet location away from late night shops and alcohol sales, and we have not requested this service. The extension of the licencing hours would therefore be most likely of value to people outside of this vicinity travelling in to buy alcohol or late night refreshments.

Noise from car engines and car doors late into the night will disrupt sleep, as will people's voices.

People buying alcohol at that time of night will likely have been drinking previously and therefore likely to speak more loudly / shout and make noise. This street is almost silent at night time currently. The park opposite may be the destination for people to drink alcohol.

The applicant states that they will place a sign next to the exit requesting that customers 'respect the needs of the local community when leaving the premises'. Is there an evidence base to demonstrate that such signs have an effect on people's behaviour?

Additionally, I am concerned about the noise people make when walking or driving to and from the premises too. Should this licence be granted, a shop on the other end of the street, which currently closes by 9pm may be encouraged to apply for a similar extension for competition.

I understand that the garage used to be late-opening and that residents complained about the noise and disruption. There is a car vacuum there that is very noisy and people used in the night.

The business currently closes by, I believe, 9pm. These late night hours will mean that lighting is on throughout the night. There are properties all around.

As a homeowner, I am concerned about the impact this could have on my quality of life and sleep, and worried that it will affect my sale price and saleability of my property in future, as this will be a less desirable place to live.

In regards to prevention of crime - there have been a number of crimes committed at the shop in recent times (see posters on shop window stating this), to which I believe the police have failed to attend. Additionally, I have heard reports that the police have been informed about a drug dealing operating from the garage forecourt. It is likely that the incidence of crime is likely to increase with these extended opening hours throughout the night.

Finally, please advise me in plenty of time if you need to know my full address and contact details in order to accept this objection.

Many thanks,

109388

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We PKD RETAIL LIMITED

(Insert name(s) of applicant)

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

Premises licence number
4072/1

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
MACE CONVENIENCE STORE HARBORNE SERVICE STATION 231 COURT OAK ROAD HARBORNE			
Post town	BIRMINGHAM	Postcode	B17 9AD

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£41000

Part 2 – Applicant details

Daytime contact telephone number		<div style="text-align: center;">BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED 21 DEC 2018 REF NO INITIALS</div>	
E-mail address (optional)			
Current postal address if different from premises address			
Post town			Postcode

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

Part 3 - Variation

Please tick as appropriate

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

X Yes

☐
No

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

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

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

TO EXTEND THE HOURS FOR THE SALE OF ALCOHOL FOR CONSUMPTION OFF
THE PREMISES FROM THE EXISTING HOURS TO 24 HOURS A DAY 7 DAYS A
WEEK AND TO ADD THE LICENSING ACTIVITY OF LATE NIGHT REFRESHMENT
FROM 23.00 UNTIL 05.00 HOURS – ALSO 7 DAYS A WEEK.

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

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

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

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

Sale by retail of alcohol (if ticking yes, fill in box J) X

In all cases complete boxes K, L and M

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			
Tue			<u>Please give further details here</u> (please read guidance note 3)
Wed			
Thur			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)
Fri			
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sun			

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			
Tue			<u>Please give further details here</u> (please read guidance note 3)
Wed			
Thur			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)
Fri			
Sat			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sun			

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)			
Wed						
Thur						
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			
Fri						
Sat						
Sun						

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

I

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon	23.00	05.00	<u>Please give further details here</u> (please read guidance note 3) THE PROVISION OF HOT PIES, SAVOURIES, SOUP, HOTDRINKS ETC CONSISTENT WITH A TAKEOUT SERVICE FOR CONSUMPTION ON OR OFF THE PREMISES			
Tue	23.00	05.00				
Wed	23.00	05.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)			
Thur	23.00	05.00				
Fri	23.00	05.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)			
Sat	23.00	05.00				
Sun	23.00	05.00				

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	X
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	00.00	24.00			
Tue	00.00	24.00			
Wed	00.00	24.00			
Thur	00.00	24.00			
Fri	00.00	24.00			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	00.00	24.00			
Sun	00.00	24.00			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p> <p>NONE</p>

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	00.00	24.00	
Tue	00.00	24.00	
Wed	00.00	24.00	
Thur	00.00	24.00	
Fri	00.00	24.00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
Sat	00.00	24.00	
Sun	00.00	24.00	

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

RESTRICTION IN THE NUMBER OF HOURS ALCOHOL CAN BE SOLD FOR CONSUMPTION OFF THE PREMISES AND NO CURRENT PERMISSION TO PROVIDE LATE NIGHT REFRESHMENT

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

Please tick as appropriate

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

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

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

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

1. An electronic shunt lock will be fitted to the front entrance door so it can be remotely locked/opened from behind the counter.
2. A panic button will be fitted behind the counter and connected directly to the alarm company.
3. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of training utilising an appropriate licensing guidance manual prior to them being authorised to sell or supply alcohol. Such training shall consist of providing staff with an understanding of:
 - The need to ensure the responsible sale and supply of alcohol
 - Adopt Challenge 25 proof of age scheme.
 - The need to refuse the sale and supply of alcohol to persons who are intoxicated or underage
 - The need to seek credible age verification from persons seeking to be sold or supplied alcohol who may appear under the age of 18 years oldRecords of the training programme shall be maintained and made available to Authorised Officers upon request.
4. The Premises Licence holder shall provide a “refresher” training session to all relevant staff members annually.
5. The CCTV policy shall record for a minimum rolling period of 31 days
6. Prominent, clear notices shall be displayed at all exit points to advise customers to respect the needs of the local community when leaving the premises.
7. Spirits are to be located behind the counter and will not be self-service.
8. A refusals log to be maintained and used by all staff. The date & time of attempted age restricted product purchases plus the product name, description of the customer refused, reason for refusal, description of the product and the staff members name are all to be recorded.
9. All staff shall be trained in the requirements of the Challenge 25 policy. This means if a customer unknown to the staff member serving wishes to purchase alcohol and also appears to be under 25 years of age then the staff member must ask for ID to prove that the customer is over 18 years of age. No ID no sale.

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

b) The prevention of crime and disorder

1. An electronic shunt lock will be fitted to the front entrance door so it can be remotely locked/opened from behind the counter.
2. A panic button will be fitted behind the counter and connected directly to the alarm company.
3. The CCTV policy shall record for a minimum rolling period of 31 days.
4. Spirits are to be located behind the counter and will not be self-service.

c) Public safety

1. The CCTV policy shall record for a minimum rolling period of 31 days

d) The prevention of public nuisance

1. Prominent, clear notices shall be displayed at all exit points to advise customers to respect the needs of the local community when leaving the premises.

e) The protection of children from harm

1. The Premises Licence Holder shall ensure that all staff employed at the premises whose duties include the sale or supply of alcohol shall undertake and complete a relevant programme of training utilising an appropriate licensing guidance manual prior to them being authorised to sell or supply alcohol. Such training shall consist of providing staff with an understanding of:
 - The need to ensure the responsible sale and supply of alcohol.
 - Adopt Challenge 25 proof of age scheme.
 - The need to refuse the sale and supply of alcohol to persons who are intoxicated or underage.
 - The need to seek credible age verification from persons seeking to be sold or supplied alcohol who may appear under the age of 18 years old

Records of the training programme shall be maintained and made available to Authorised Officers upon request.

2. The Premises Licence holder shall provide a "refresher" training session to all relevant staff members annually.
3. A refusals log to be maintained and used by all staff. The date & time of attempted age restricted product purchases plus the product name, description of the customer refused,

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

reason for refusal, description of the product and the staff members name are all to be recorded.

4. All staff shall be trained in the requirements of the Challenge 25 policy. This means if a customer unknown to the staff member serving wishes to purchase alcohol and also appears to be under 25 years of age then the staff member

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	
Date	20 th DECEMBER 2018
Capacity	AGENT

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

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
RICHARD BAKER RB RETAIL & LICENSING SERVICES LIMITED 23 MAGISTER DRIVE LEE ON THE SOLENT			
Post town	PORTSMOUTH	Post code	PO13 8GE
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

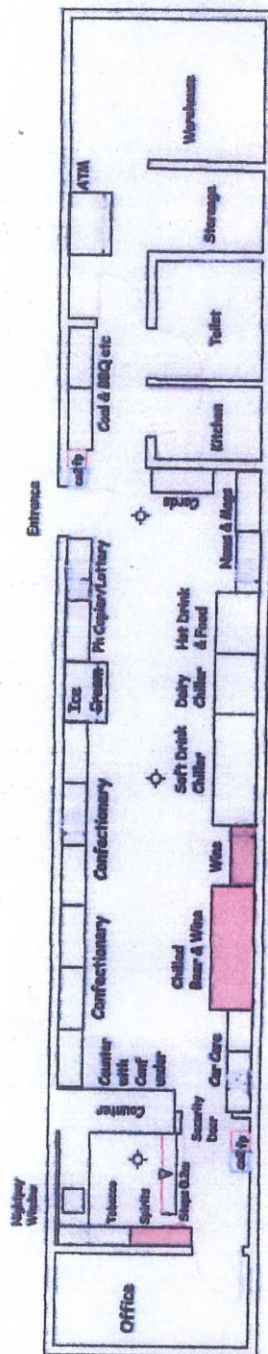
1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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:

Licensing Department, Birmingham City Council, 1-3 Ashted Lock Way, Birmingham, B7 4AZ.

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell 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.
 - 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:
 - 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.
 - 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.
 - 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.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
5. For example 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.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.

**Licensing Department, Birmingham City Council, 1-3 Ashted Lock
Way, Birmingham, B7 4AZ.**

7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please 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.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please 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 or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.



Key

- ABC Fire extinguisher Powder
- CO2 Fire extinguisher CO2
- CCTV camera

Mace Convenience Store
 Harborne Service Station
 231 Court Oak Road
 Birmingham
 B17 9AE

Scale- 1:100

Drawing Reference: RB/1311
 Drawn by: R Baker RB Retail & Licensing
 19th December 2018

All retail selling areas to be licensed for alcohol display. Copyright - RB Retail & Licensing Services Limited, 23 Magister Drive, Lee on the Solent, Portsmouth PO123 8GE, Site dimensions to be used at all times

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

4072 / 1

Part 1 - Premises details:**Postal address of premises, or if none, ordnance survey map reference or description**

Mace Convenience Store
 Harborne Service Station
 231 Court Oak Road
 Harborne

Post town:

Birmingham

Post Code:

B17 9AD

Telephone Number:**Where the licence is time limited the dates**

N/A

Licensable activities authorised by the licence

M2 Sale of alcohol by retail (off the premises)

The times the licence authorises the carrying out of licensable activities

Monday – Sunday 06:00 - 23:00 M2

The opening hours of the premises

Monday - Sunday 00:00 - 23:59

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

Off Supplies Only

BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence P K D Retail Limited	
Post town:	Post Code:
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) 8020328

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Peter Leslie Dyde	
Post town:	Post Code:
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number	Issuing Authority

Dated 15/02/2014



David Kennedy
Senior Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

Annex 1 – Mandatory Conditions

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

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

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol:-

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

Conditions as stated below under the appropriate licensing objective.

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

A incident log book shall be kept at the premises.

CCTV shall be maintained at the premises with all recordings kept for 28 days.

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

No enforceable conditions identified from the operating schedule

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

No enforceable conditions identified from the operating schedule

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

A challenge 25 policy shall be enforced at the premises.

A refusal register shall be kept at the premises.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

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

N/A

3c) Committee conditions to promote public safety

N/A

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

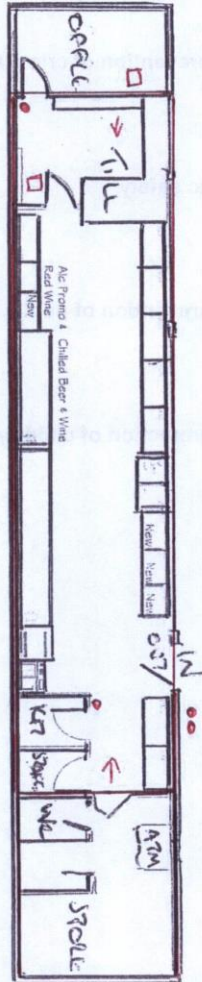
N/A

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

N/A

Annex 4 – Plans

**MR PETER DYDE, MACE CONVENIENCE STORE, HARBORNE SERVICE STATION,
COURT OAK ROAD, BIRMINGHAM B17 9AD**
Shop Layout Scale 1:100 OCTOBER '13
LICENSING SOLUTIONS CIM 1013/01



Key:
Cctv Camera →
Cctv Monitor ◻
Extinguisher ●

**ALCOHOL DISPLAY THROUGHOUT THE STORE
WITHIN RED BORDER**

From: bw licensing <
Sent: 09 January 2019 07:20
To: Licensing
Cc: i
Subject: Mace - Convenience Store, Harborne Service Station.

Dear Licensing,

With regard to the premises application for Mace Convenience Store, Harborne Service Station, 231 Court Oak Rd, Birmingham B17 9AD.

West Midlands Police have reviewed this application and are happy that if the below conditions are added to the licence application then the licensing objectives will be met and promoted.

The below conditions have been agreed with applicant, via their solicitor as per below email chain who is copied into this email as acceptance.

- Between the hours of 23.00 and 06.00 the default for the electronic shunt door will be to set to the 'locked' position. Only to be opened by staff to customers who they wish to allow entry the main shop area.
- No alcohol to be allowed on the premises in open containers.
- CCTV will be downloadable and made available to any of the responsible authorities immediately on request
- CCTV will display the correct time and date stamp and record throughout the whole of the licensable activity.

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

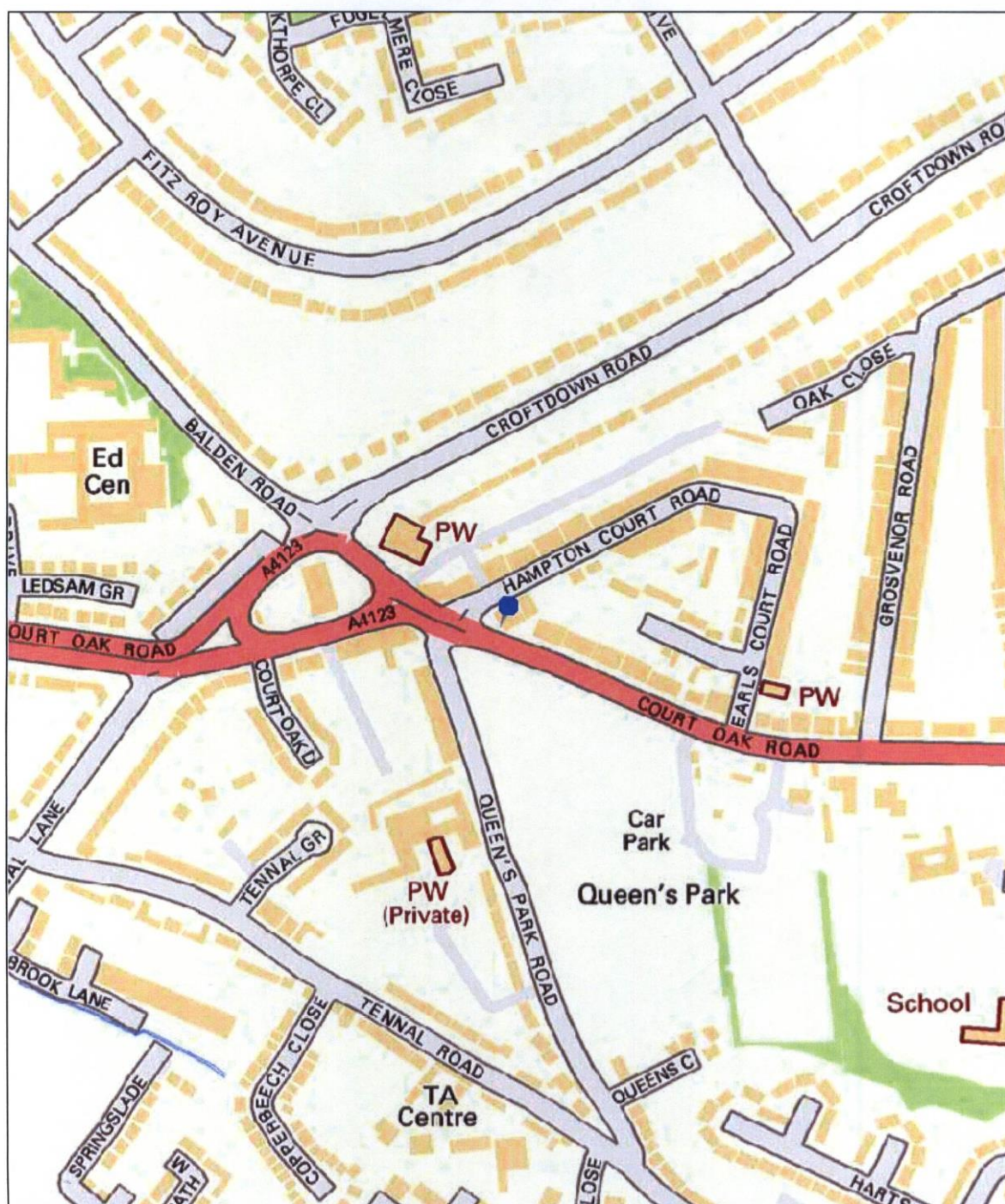
Regards

Chris Jones 55410
Birmingham Central Licensing Team

West Midlands Police HQ
Lloyd House
Colmore Circus
Birmingham
B4 6NQ

(Sat nav postcode B4 6AT)

Contact us on 999 in an emergency or for all other matters please visit [WMPolice Online](#)



Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 11/01/2019



Scale:
1:4,000

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Birmingham City Council

Map Created By:

Notes

Date of Map Creation: 11/01/2019



Scale:
1:1,250

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