

BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE C

WEDNESDAY, 22 JANUARY 2020 AT 09:30 HOURS
IN ELLEN PINSENT ROOM, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

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 - 24

4 LICENSING ACT 2003 - BBQ VILLAGE CHINESE RESTAURANT T/A TASTY RESTAURANT, 55 STATION STREET, BIRMINGHAM B5 4DY

Report of the Interim Assistant Director of Regulation & Enforcement.
N.B. Application scheduled to be heard at 9.30am

25 - 62

5 LICENSING ACT 2003 - CHANNEL COFFE & RESTAURANT, 145A STRATFORD ROAD, SPARKBROOK, BIRMINGHAM, B11 1RD

Report of the Interim Assistant Director of Regulation & 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.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 22nd January 2020
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	BBQ Village Chinese Restaurant T/A Tasty Restaurant, 55 Station Street, Birmingham B5 4DY
Ward affected:	Ladywood
Contact Officer:	Shaid Yasser, Senior Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:

To consider an application to review a Premises Licence.

2. Recommendation:

To consider and determine the review application.

3. Brief Summary of Report:

Review application received on 3rd December 2019 from Birmingham City Council Licensing Enforcement in respect of BBQ Village Chinese Restaurant T/A Tasty Restaurant, 55 Station Street, Birmingham, B5 4DY.

A representation has been received from West Midlands Police as a responsible authority.

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:

Birmingham City Council Licensing Enforcement applied on 3rd December 2019 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for BBQ Village Chinese Restaurant T/A Tasty Restaurant, 55 Station Street, Birmingham, B5 4DY.

A representation has been received from West Midlands Police, as a responsible authority.
See Appendix 1.

Review application is attached at Appendix 2.

The Premises Licence is attached at Appendix 3.

Site location plans are attached at Appendix 4.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -

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

6. List of background documents:

Copy of the representation as detailed in Appendix 1
Review Application Form, Appendix 2
Copy of Premises Licence, Appendix 3
Site location plans, Appendix 4

7. Options available

Modify the conditions of Licence
Exclude a Licensable activity from the scope of the Licence
Remove the Designated Premises Supervisor
Suspend the Licence for a period not exceeding 3 months
Revoke the Licence
No Action

Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

24/12/19
Entered JB

From: Ben Reader
Sent: 24 December 2019 11:23
To: Licensing
Subject: BBQ Village Chinese Restaurant

Licensing,

This mail is in relation to the review application made by BCC in relation to

BBQ Village
55 Station Street
Birmingham
B5 4DY

WMP wish to make a representation about this premises and join this review.

The details of the review application give evidence of criminal activity taking place, namely employing illegal workers.

I have visited the premises on two occasions since the discovery of the illegal workers. The DPS and licence holder are long term away from the business, giving me significant concern that anyone is accountable for promoting the licensing objectives. The premises did not engage positively on the visits and no one appeared to be taking responsibility for managing the venue.

It appears that the current operators of the premises have no regard for the licensing objectives, causing WMP concern that bad practice will continue.

Regards

Ben

Police Constable 2413 Ben Reader
Licensing Department
Birmingham West Local Policing Unit
Police Headquarters,
Lloyd House,
Birmingham,
B4 6NQ

Twitter @brumlicensing

Preventing crime, protecting the public and helping those in need

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**✓ Birmingham City Council, PO Box 17013,
Birmingham, B6 9ES**

**Application for the review of a premises licence or club premises certificate 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 Gary Callaghan of Licensing Enforcement, Birmingham City Council

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the
premises described in Part 1 below**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
BBQ Village Chinese Restaurant (Currently trading as Tasty Restaurant) 55, Station Street	
Post town Birmingham	Post code (if known) B5 4DY

Name of premises licence holder or club holding club premises certificate (if known)	BCC REGULATION & ENFORCEMENT LICENSING SECTION DATE RECEIVED
Mr Yang Cheng	
Number of premises licence or club premises certificate (if known)	- 3 DEC 2019
2344/3	
REF NO	<u>Entered</u>
INITIALS	

Part 2 – Applicant details

I am

Please tick X yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) a member of the club to which this application relates
(please complete (A) below)

☐

Please tick X yes

Surname

First names

Please tick X yes

**Current postal
address if
different from
premises
address**

Circumstance	Percentage of Respondents (%)
If someone is attacking you	85
If someone is threatening you	75
If someone is harassing you	65
If someone is insulting you	55
If someone is annoying you	45

Post town

Figure 1 illustrates the experimental setup. A subject is seated at a table, viewing a video screen. A camera is positioned above the screen. A target is located on the screen. A horizontal line is drawn on the screen, representing the target position. The subject's hand is positioned at the starting point. The distance between the starting point and the target is labeled D . The distance between the starting point and the video screen is labeled L . The distance between the video screen and the target is labeled d . The distance between the starting point and the camera is labeled L_c .

Post Code

Circumstance	Percentage (%)
(a) self-defense	95
(b) defense of others	85
(c) defense of property	75
(d) defense of a business	65
(e) defense of a country	15

Daytime contact telephone number

**E-mail address
(optional)**

Name and address

[illegible]

Telephone number (if any)

Telephone number (if any)

E-mail address (optional)

E-mail address (optional)

Name and address

Name and address

Licensing Section
PO Box 17013
Birmingham
B6 9ES

Telephone number (if any)

Telephone number (if any) _____

E-mail address (optional)

E-mail address (optional)	
---------------------------	--

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes X

<input checked="checked" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

On the 6th November 2019 Acting on intelligence, Officers from the Licensing Enforcement, Home Office Immigration Enforcement and West Midlands Police visited BBQ Village Chinese Restaurant, 55, Station Street. Upon entry a number of people were observed working at the premises,

Immigration Enforcement Officers spoke to various individuals and checks were made to establish whether they had the required permission to work in the UK. 3 males and 2 females were subsequently detained at the scene for immigration breaches.

Further checks have been conducted by Home Office immigration and the immigration status of persons detained has been established:-

- Female has been identified as _____ (D.O.B _____) No address provided
- Male has been identified as _____ (D.O.B _____) No address provided
- Female has been identified as _____ (D.O.B _____) Residing at _____
- Male has been identified as _____ (D.O.B _____) No address provided
- male has been identified as _____ (D.O.B _____) Residing at _____

Guidance issued under section 182 of the Licensing Act 2003 regarding reviews arising in connection with crime states at:-

Para 11.27:-

There is certain criminal activity that may arise in connection with licensed Premises which should be treated particularly seriously. These matters include the use of the licensed premises:

- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;

Immigration, Asylum and Nationality Act 2006 - Section 21 states:-

(1) A person commits an offence if he employs another ("the employee") knowing that the employee is an adult subject to immigration control and that—

- (a) he has not been granted leave to enter or remain in the United Kingdom, or
- (b) his leave to enter or remain in the United Kingdom—
 - (i) is invalid,
 - (ii) has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time or otherwise), or
 - (iii) is subject to a condition preventing him from accepting the employment.

Immigration Act 1971 – Section 25 states;-

Assisting unlawful immigration to member State

(1) A person commits an offence if he—

- (a) does an act which facilitates the commission of a breach or attempted breach of immigration law by an individual who is not a citizen of the European Union,**
- (b) knows or has reasonable cause for believing that the act facilitates the commission of a breach or attempted breach of immigration law by the individual, and**
- (c) Knows or has reasonable cause for believing that the individual is not a citizen of the European Union.**

This review application is being made on the grounds that an illegal workers have been identified working at BBQ Village Chinese Restaurant, 55, Station Street which amounts to criminal activity and seriously undermines the licensing objectives contained in the Licensing Act 2003 regarding:-

- The prevention of crime and disorder;

I therefore feel we should seek to get the Premises Licence revoked

Please provide as much information as possible to support the application (please read guidance note 3)

On Wednesday 6th November 2019 at 16:26 hours a joint visit was made to licensed premises trading as Tasty Restaurant, 55, Station Street, Birmingham, B5 4DY

Officers from the following Responsible Authorities supported this visit:-

- Home Office Immigration Enforcement;
- Licensing Enforcement.
- West Midlands Police

During the visit immigration officers spoke to a number of people working at the premises and identified 3 males and 2 females who were detained by immigration officers for possible immigration breaches. Subsequently investigations have established that all the persons detained were over stayers and they did not have the required permission to work in the UK.

From a Licensing Enforcement viewpoint the owner of the Premises Licence Mr. YANG CHENG was not present or contactable, no staff members present would own up to being in charge, they were uncooperative and unhelpful stating that they are only workers they did not know anything. A male identified as WAI CHUNG CHENG who appeared in charge (even though he said kitchen staff had keys to open & close restaurant) was unable to produce the "Premises Licence" and advised he did not know where it is kept and was not aware of the attached conditions of licence, WAI CHUNG CHENG advised that YANG CHENG was still in control of the business, but he was out of the country. I was informed he did not know who had authorised the sale of alcohol, WAI CHUNG CHENG advised me that he was a personal licence holder, but was unable to produce his personal licence identity card on request. I was informed that he did not have YANG CHENG contact details. Therefore I was unable to check if the premises were compliant with the conditions of licence. I left my contact details with a female who identified herself as CHAOGIN ZHAO requesting that YANG CHENG contact me as soon as possible. I have had no contact from YANG CHENG

On the 18th November 2019 at 14:00pm in-company with Licensing Enforcement Officer Shaid Ali and West Midlands Police Officer 2413 Ben Reader we visited Tasty Restaurant, 55, Station Street, Birmingham, B5 4DY. I spoke to WAI CHUNG CHENG who advised he was in charge, I asked him if he was able to produce the "Premises Licence" and was informed no, PC Reader asked when was the last time YANG CHENG had been at the premises, WAI CHUNG CHENG said "he had not been there for years, we don't contact him he contacts us" I asked him if the premises had CCTV as per the conditions of licence and was advised "has not been there for years"

From visits and findings it would appear the YANG CHENG has lost control of the running of the business, and has not left a responsible person in charge in his absence. YANG CHENG is not taking his responsibilities seriously and not promoting the licensing objectives, as such I have no confidence in him as the Premises Licence Holder and Designated Premises Supervisor.

Home Office Immigration civil penalty team has served a Notice of Potential Liability on YANG CHENG being the business owner, (which could result in fines up to £20,000 per person illegally working)

It is an offence under Immigration, Asylum and Nationality Act 2006 to knowingly employ a person if the employee has not been granted leave to enter or remain in the UK.

It is a further offence under Section 25 Immigration Act 1971 to do anything to facilitate another person's illegal entry, transit or stay in the UK.

All employers have a duty to prevent illegal working, and a responsibility to conduct relevant document checks to ensure they only recruit people who have permission to lawfully work in the UK.

Where a licence holder / business owner is prepared to employ illegal workers they are not only committing offences but are also actively involved in criminal activity and the exploitation of extremely desperate and vulnerable individuals for financial gain.

- Illegal workers have no employment rights or protections and are unable to declare themselves to the authorities to seek assistance should they require any assistance.
- Illegal workers have no rights to be paid the equivalent of the minimum wage which benefits the employer financially.
- Illegal workers are often paid 'cash in hand' by the employer meaning the correct tax and national insurance deductions are not taken into account, and therefore not declared to HMRC.
- Illegal workers are often provided with the most basic accommodation and standard of living which may be linked to their continued employment at the licensed premises.
- Illegal entrants into the UK will not have been subject to the usual immigration checks and health screenings and this could seriously impact on public protection and the health and wellbeing of the general public, especially where illegal entrants have arrived from a country with significant health risks. The employment of such individuals poses on an increased risk especially if that person is employed in a kitchen, or an area where food is prepared or served to the public.
- Illegal entrants also do not undergo any appropriate checks, or immigration clearance at the border and may have current or previous criminal convictions and thereby pose a danger for the general public.

During the inspection the following matters were identified contrary to Licensing Act 2003.

- Section 57 (7) failure to produce the premises licence or certified copy for inspection to authorised officer on request
- Section 136 Carrying on licensable activities other than in accordance with an authorisation
- As and when necessary or judged appropriate, the Licensee and/or staff shall liaise with the Police so as to promote the prevention of Crime and Disorder
- No CCTV system in place on the premises

The Licensing Act 2003 is clearly intended to prevent crime and disorder in relation to premises, as well as deter and prevent unscrupulous persons from operating illegally under the authorisation of a premises licence.

Employing illegal workers has far reaching harmful social and economic effects within the UK. It enables dishonest employers to take advantage and exploit extremely desperate and vulnerable individuals for financial profit and to gain an unfair advantage over competitors who operate legally and comply within the laws of the United Kingdom.

Other relevant information; It has come to my attention that Tasty Restaurant 55, Station Street, Birmingham, B5 4DY is currently liable for non domestic business rates debt.

- a) Basement - £80,439.04
- b) Ground Floor - £76,539.16

Please tick X yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

N/A

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Birmingham City Council Licensing Section PO Box 17013	
Post town Birmingham	Post Code B6 9ES
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Please tick X yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 3rd December 2019

Capacity Licensing Enforcement, Birmingham City Council

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Birmingham City Council
Licensing Section
PO Box 17013

Post town
Birmingham

Post Code
B6 9ES

Telephone number (if any)

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

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003PREMISES LICENCE

Premises Licence Number:

2344 / 3

Part 1 - Premises details:**Postal address of premises, or if none, ordnance survey map reference or description**BBQ Village Chinese Restaurant
55 Station Street**Post town:**

Birmingham

Post Code:

B5 4DY

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

N/A

Licensable activities authorised by the licence

F	Recorded music
L	Late night refreshment
M1	Sale of alcohol by retail (on the premises)

The times the licence authorises the carrying out of licensable activities

Monday – Friday	17:30	-	03:00	F,M1
	23:00	-	01:00	L
Saturday – Sunday	17:30	-	04:00	F,M1
	23:00	-	03:00	L

The opening hours of the premises

Monday – Friday	17:30	-	03:00
Saturday – Sunday	17:30	-	04:00

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

On Supplies

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Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Yang Cheng	
Post town:	Post Code:
Telephone Number:	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) N/A

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Yang Cheng	
Post town:	Post Code:
Telephone Number: None Specified	

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 WDC PER 00575	Issuing Authority WARWICK DISTRICT COUNCIL

Dated 10/06/2008

David Kennedy
Senior Licensing Officer
For Senior Assistant Director, Regulatory Services

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.

There was no application to remove any of the embedded restrictions applicable to this licence under the old licensing regime. Those embedded restrictions are detailed below. Licensable activities may continue beyond the times specified in the embedded restrictions up to the times the premises licence authorises the carrying out of licensable activities.

Permitted hours - Alcohol may be sold or supplied: (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; (4) On New Year's Eve, except on a Sunday, 11 am. to midnight; (5) On New Year's Eve on a Sunday, 12 noon to 11.30 pm. (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day, which would be 11.00 am. if New Year's Day falls on a weekday or 12 noon if a Sunday.

Alcohol shall not be sold or supplied: (a) unless the premises have been structurally and bona fide used, or intended to be used, for the purposes of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises; (b) on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

Alcohol shall not be sold or supplied unless suitable beverages other than alcohol (including drinking water) are equally available for consumption with or otherwise as an ancillary to meals served in the premises.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The provision of regulated entertainment and late night refreshment to take place indoors only.

No adult entertainment or services permitted on the premises.

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

Staff refuse to sell alcohol to under age persons and anyone who appears to be drunk.

Excessive drinking is discouraged.

Staff are trained to remain calm and not react to provocation.

Staff are vigilant about the possible misuse of the premises for drug dealings.

As and when necessary or judged appropriate, the Licensee and/or staff shall liaise with the Police so as to promote the Prevention of Crime and Disorder.

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

Anti-social and destructive behaviour is discouraged.

'Happy hours' are not permitted under the authority of this licence.

First Aid is available on the premises.

Patrons are prevented from carrying out glasses and bottles from the premises.

Where appropriate age restrictions are in place, including age verification checks.

A C.C.T.V. system is in place on the premises.

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

All staff behave, responsibly.

Service is refused to persons under age and anyone who appears to be drunk.

Any destructive or noisy behaviour is discouraged and, if appropriate, reported to the Police.

Any suspicious activity (i.e. drug dealings in the proximity of the premises) is reported to the Police.

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

Persons under the age of 14 are not permitted in the area of the Bar.

The Licensee shall ensure that, if appropriate, age verification checks are carried out.

Persons under the age of 18 are prohibited from purchasing alcohol or working behind the bar.

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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

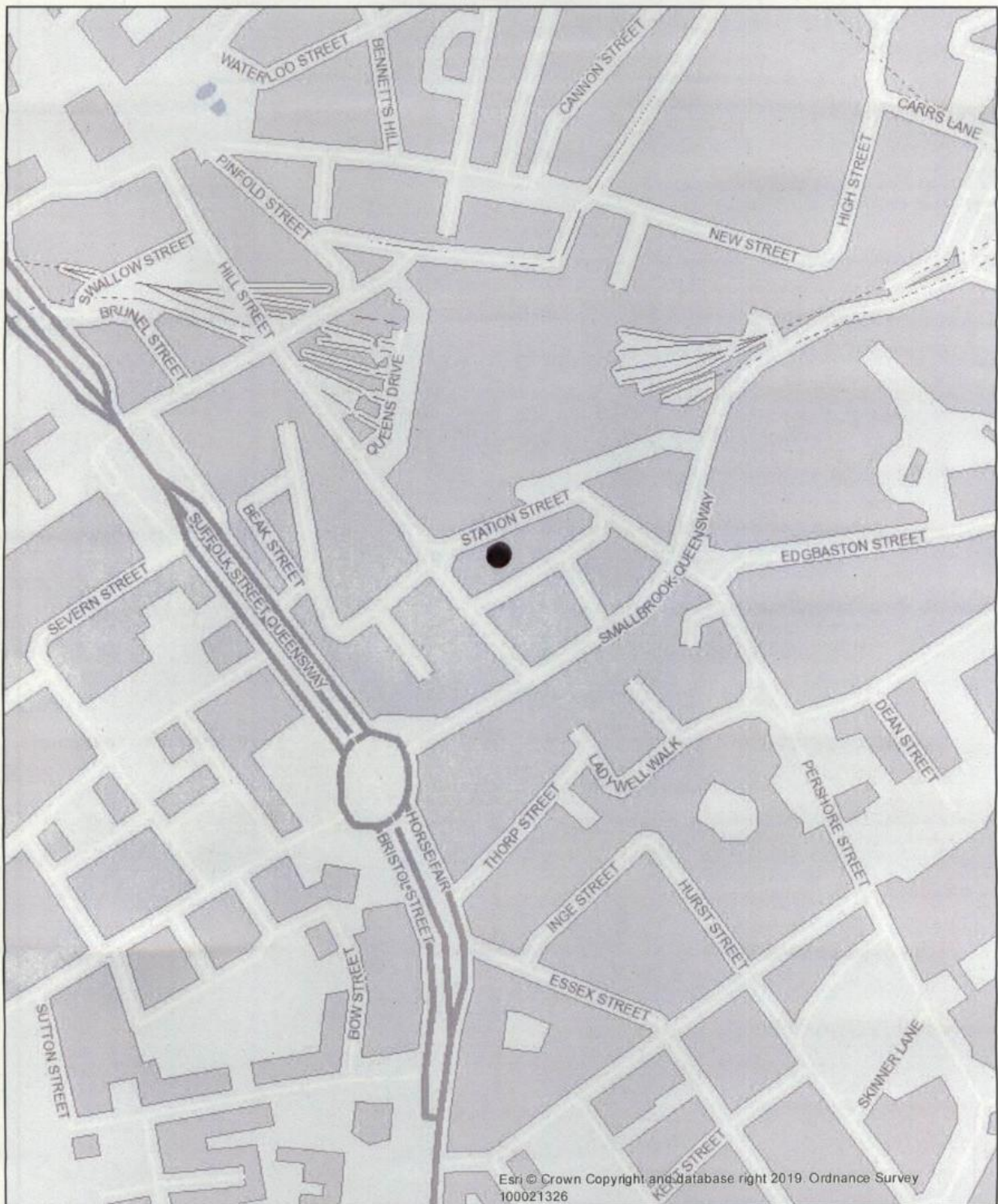
3e) Committee conditions to promote the protection of children from harm

N/A

BIRMINGHAM CITY COUNCIL

Annex 4 – Plans

The plan of the premises with reference number **54884-2344/3** which is retained with the public register kept by Birmingham City Council and available free of charge for inspection between the hours of 9am – 4pm Monday, Tuesday and Thursday, 10am – 4pm Wednesday and 9am – 3.30pm Friday (excluding Bank Holidays etc) at the Licensing Service, Crystal Court, Aston Cross Business Village, 50 Rocky Lane, Aston, Birmingham B6 5RQ.



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Birmingham
City Council

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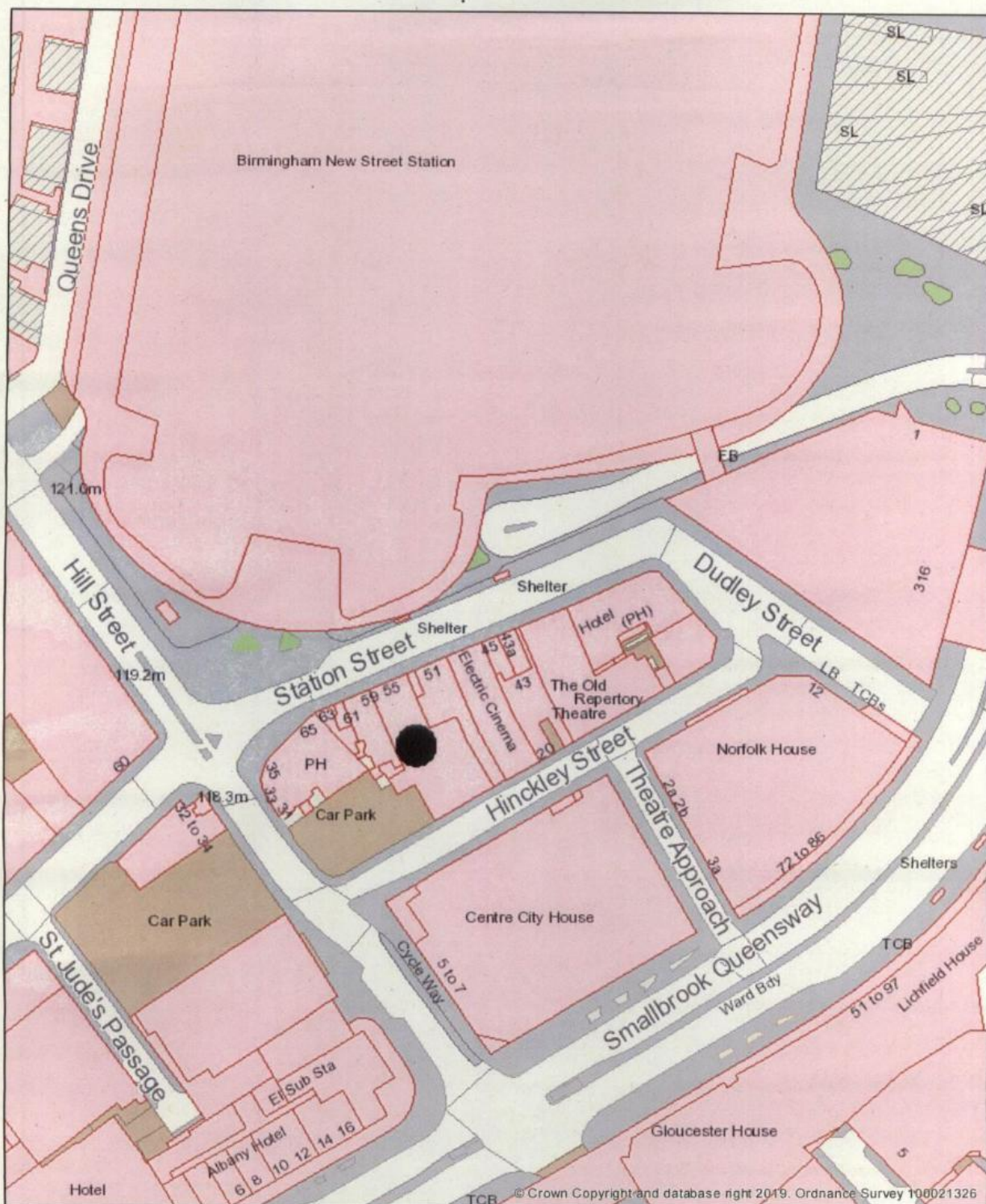
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Scale: 1:4,000





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City Council

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BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee C
Report of:	Interim Assistant Director of Regulation & Enforcement
Date of Meeting:	Wednesday 22nd January 2020
Subject:	Licensing Act 2003 Premises Licence – Grant
Premises:	Channel Coffe & Restaurant, 145a Stratford Road, Sparkbrook, Birmingham, B11 1RD
Ward affected:	Sparkbrook & Balsall Heath
Contact Officer:	Shaid Yasser, Senior Licensing Officer 0121 303 9896, 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 seeks to permit the Sale of Alcohol (for consumption on the premises only) to operate from 1:00pm until 11:00pm (Sunday to Thursday) and 1:00pm until 2:00am (Friday and Saturday).

To permit the provision of Late Night Refreshment, to operate indoors only, from 11:00pm until 2:00am (Friday and Saturday).

Premises to remain open to the public from 1:00pm until 11:00pm (Sunday to Thursday) and 1:00pm until 2:00am (Friday and Saturday).

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 December 2019 in respect of Channel Coffe & Restaurant, 145a Stratford Road, Sparkbrook, Birmingham, B11 1RD.

Representations have been received from Birmingham City Council Licensing Enforcement as a responsible authority and 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:

Betty Bayu applied on 3rd December 2019 for the grant of a Premises Licence for Channel Coffee & Restaurant, 145a Stratford Road, Sparkbrook, Birmingham, B11 1RD.

A representation has been received from Birmingham City Council Licensing Enforcement as a responsible authority. See Appendix 1.

Representations have been received from other persons. See Appendices 2 - 5.

The application is attached at Appendix 6.

Conditions have been agreed with West Midlands Police and the applicant, which are attached at Appendix 7.

Site Location Plans at Appendix 8.

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 – 5
Application Form, Appendix 6
Conditions agreed with West Midlands Police, Appendix 7
Site Location Plans, Appendix 8

7. Options available

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

24/12/19
Entered JS

From: Sarah Lavender
Sent: 24 December 2019 00:30
To: Licensing
Subject: Channell Coffe and Restaurant, 145a Stratford Road, Birmingham, B11 1RD

Good afternoon,

With regard to the application submitted by Mr Rahman for the grant of a premises licence at the above premises, Licensing Enforcement received a complaint regarding the premises on 17/06/2019 alleging the premises were carrying out licensable activities without a licence mainly the serving of alcohol.

A visit to the premises was conducted by Licensing Enforcement in July 2019 in company of colleagues from Environmental Health, West Midlands Police and West Midlands Fire Service, the following matters were identified -

Gary Callaghan Licensing Enforcement Officer gave advise to the premises writing on traders notice 25836/7 by Licensing enforcement regarding the requirement to obtain a premises licence for licensable activities after a speaker was playing recorded music and alcohol was found in a fridge and also in the hallway, see attached photos.

Steve Graham Fire Safety Inspecting officer identified the following matters -

- The rear fire exit door was covers by a roller shutter. This exit is required due to the depth of the building.
- The fire alarm and detection system was not working due to having no power going to the alarm panel. It had not been serviced for some time. The fire extinguishers had not need serviced.
- Although a fire risk assessment need not be recorded, the owner had not carried one out. I will be sending a letter the business owner and the landlord to get the issues sorted.

Alison Whelan From Environmental Health identified the following matters -

- They were warned and given advisory information regarding the Sheesha (smoking in a smoke free premises)
- Due to the presence of cockroaches in the premises and the fact that it was operating as a food business the premises was served with a Hygiene Emergency Prohibition Notice to cease trading. A revisit was conducted on 11/07/19 and has shown that cockroaches are still active so a Hygiene Emergency Prohibition Order was granted to cease the premises until the risk to health has been removed.
- I have a suspicion they may have traded but at the moment it is only a suspicion.

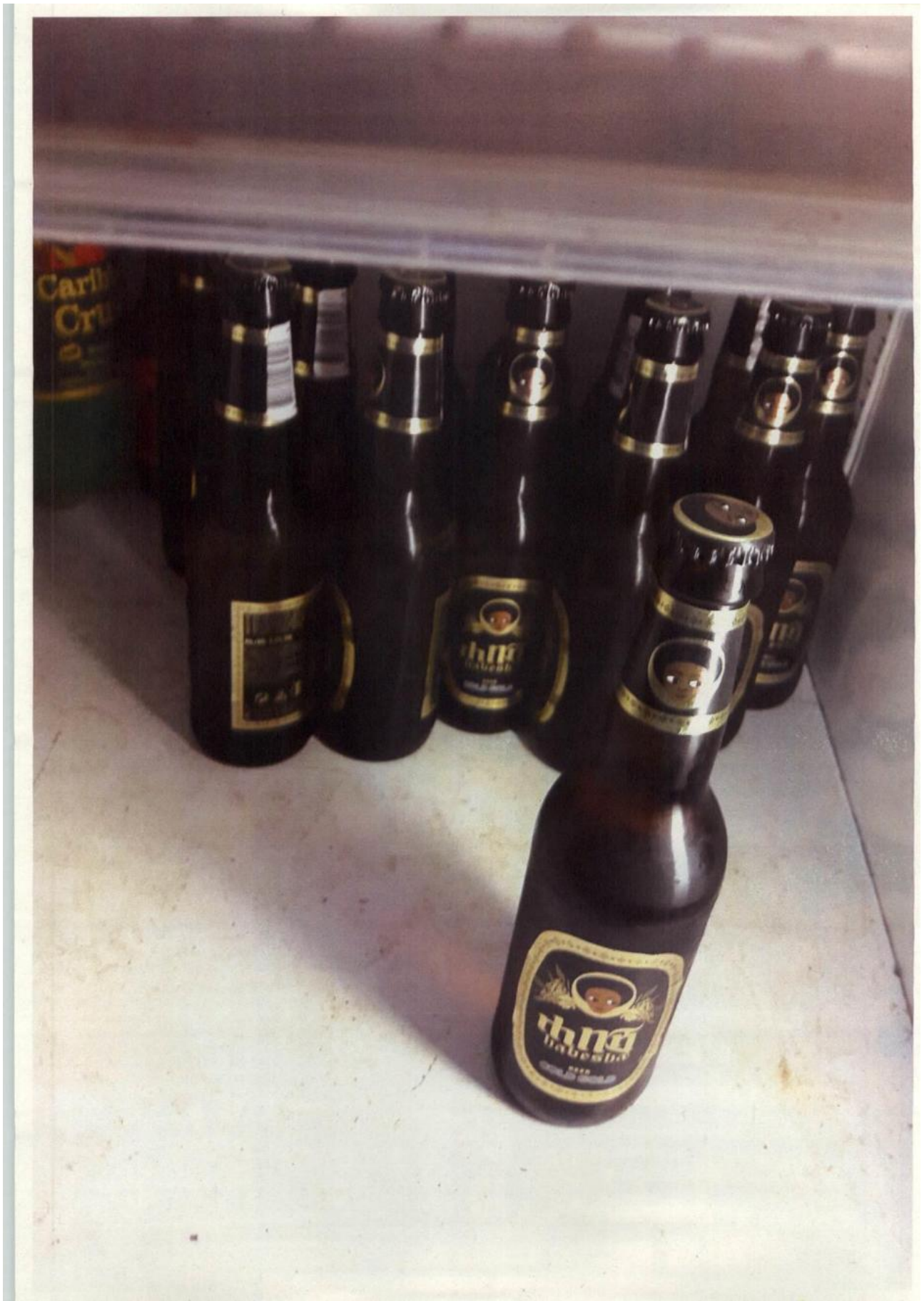
I am aware that complaints have been made to Environmental Health about noise emanating from the premises but they have been unable to investigate the matter as it is my understanding that the complainant did not wish to make the matter formal.

I have seen the conditions that have been agreed with West Midlands Police and these do go some way towards measures that will ensure the premises uphold the licensing objectives however licensing enforcement do still have concerns given the previous issues identified and will be seeking further information to be submitted from responsible authorities regarding the current situation, due to annual leave I have been unable to clarify this matter with them currently.

Regards

Sarah Lavender
 Licensing Enforcement Officer











Entered RJ

From:
Sent: 10 December 2019 11:27
To: Licensing
Subject: Licensing application channel cafe 145A Stratford Road

Dear sir / Madam

I am writing to you to register my absolute & complete rejection, resentment to the idea of giving channel cafe 145A Stratford road the license to have late night refreshment, allowing them to use music , parties & a lot more to harming & disturbing our neighborhood as they were doing since they opened the cafe. As I am on of the residents who lives on the flats around this cafe we completely reject this idea as they turned the area around to place from hell. You can check with your fellow Birmingham council (Alison Whelan) on how many complaints were filed about them , regarding music nuisance, using their cafe as focal point for prostitute gathering , young drug dealers & they sale some sort of drugs too, also they make the whole street dirtier by disposing the garbage out side their cafe. You can check how many complaints about them. So they are damaging the whole neighborhood & we completely reject the idea of extending their license as we preposed to the council before to evict them from the premises to have better neighborhood. My name is _____ & lives at _____ stratford road on the _____
Please help us & rescue the neighborhood & their residents from the hell times coming if you gave them the license.
Thanks.

ENTERED

RJ

From:
Sent: 10 December 2019 13:06
To: Licensing
Subject: Licensing application channel caffe 145A Stratford Rd

Dear sir/ madam,

I am writing with connection to the blue notice which is display on the front of Channel caffe. 145A Stratford rd, Birmingham, B11 1RD,

I am srtongly regret the idea of giving the above license.

I am the owner of Stratford Rd, and I am being on bussieness trading from this address for more than 14 years, and I have riot seen such a bad behavior and loud music, gathering of many people at different time of the day enen in the late and early mornings,

This led to be a place for such a bad people, such as drug dealers, prostitute, also, we have been complaining too many times about this cafe before and I you would like you can check with Birmingham city council complaints department?

Finally, I emphasize my complete rejection of granting them the propose license.

If you need any further information, please do not hesitate to contact me on my direct mobile number or my email address, and my bussienn address.

Stratford Rd
Sparkbrook
Birmingham
B11
Yours faithfully,

Entered 27/12/19
DK.

From:
Sent: 24 December 2019 19:54
To: Licensing
Subject: Licensing application Channel Café 145A Stratford Road

Hi,

I'm a local resident and have been living here for over 20 years. This area suffers from high crime and members of gangs. I'm concerned if a licence for alcohol is issued this will further fuel social unrest. This area is well known to the police for its disturbance. We want this area family friendly and safe. I believe alcohol licensing will not help our social cohesion. Please take my comments into consideration.

Thanks,

Received 31/12/2019
Entered 2/1/2020
JS.

From:
Sent: 31 December 2019 16:55
To: Licensing
Subject: Licensing application Channel Café 145A Stratford Road
Attachments: IMG_20191231_164708.jpg

Hi,

Please find attached a list of local businesses that object to the alcohol license being granted to the above named cafe. Thank you

We, the owners and managers of local business of Stratford Road in the Sparkbrook area object to the issuing of an alcohol licence in the vicinity. It has recently come to light that the Channel Restaurant and Café, 145a Stratford Road, Sparkbrook, Birmingham have applied for a licence to sell alcohol. We believe this will be exceptionally detrimental to local businesses. We currently have a significant issue with attracting families and women to the area, with there being a general concern by locals for safety; which is centred around the open use of drugs and alcohol. This is particularly prevalent in and around the numerous café's in the area. It may also be pertinent to mention that alcohol is also currently bought and sold in the area without license. Below are our names and contact details. We would be happy to discuss our concerns with you further, if you so require.

Name of Business	Owner/Manager Name	Address	Signature
bunna cafe		B111 RD Stratford Road	
MIDDEAST SAT No. 1		STRATFORD RD B11 1RD	
AL F		STRATFORD	
MJ Desert		STRATFORD RD	
Rose Bakery		Stratford RD	
		Stratford RD	
shellys Hair + Beauty		Stratford Road	
DFC		Stratford	
Ben Saad series Ltd.		Stratford Rd B11 1RD	
The vision clinic optical		Stratford rd	
		Main Street B11 1RD	
SPARKBROOK Pharmacy		(Stratford) B11 1RD	
Chelle chips		Stratford RD	
Mr. Pounel		STRATFORD M	
Texaco Petrol Station		Stratford Road	



Birmingham
Application for a premises licence
Licensing Act 2003

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

* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

Applicant Details

* First name

Betty Gabraie

* Family name

Bayu

* E-mail

Main telephone number

Other telephone number

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

Is the applicant:

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

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

work for:
 BCC
 REGULATION & ENFORCEMENT
 LICENSING SECTION
 DATE RECEIVED
 03 DEC 2019
 REF NO
 INITIALS include country code

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" value="1"/>

Agent Details

* First name	<input type="text" value="Mijanur"/>
* Family name	<input type="text" value="Rahman"/>
* E-mail	<input type="text"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

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

Are you:

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

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

Agent Business

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

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

Registration number	<input type="text" value="7021919"/>
Business name	<input type="text" value="Optimised Training Centre"/>
VAT number	<input type="text" value="-"/>
Legal status	<input type="text" value="Private Limited Company"/>
Your position in the business	<input type="text" value="Manager"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name
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**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

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

☒ Yes ☐ No

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

First name

Betty Gabraie

Family name

Bayu

Is the applicant 18 years of age or older?

☒ Yes ☐ No

Continued from previous page...

Current Residential Address

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

☒ Yes

☐ No

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

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

☒ Yes

☐ No

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

E-mail

Telephone number

Other telephone number

* Date of birth

 / /

dd mm yyyy

* Nationality

Eritrea

Documents that demonstrate entitlement to work in the UK

Right to work share code

Right to work share code if not submitting scanned documents

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

 / /

dd mm yyyy

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

 / /

dd mm yyyy

Provide a general description of the premises

Continued from previous page...

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Cafe

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

Continued from previous page...

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?

☐ Yes ☒ No

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

TUESDAY

Start End

Start End

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

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

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

☒ Indoors

☐ Outdoors

☐ Both

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

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

State any seasonal variations

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

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

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

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

Continued from previous page...

MONDAY

Start 13:00

End 23:00

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 13:00

End 23:00

Start

End

WEDNESDAY

Start 13:00

End 23:00

Start

End

THURSDAY

Start 13:00

End 23:00

Start

End

FRIDAY

Start 13:00

End 02:00

Start

End

SATURDAY

Start 13:00

End 02:00

Start

End

SUNDAY

Start 13:00

End 23:00

Start

End

Will the sale of alcohol be for consumption:

- ☒ On the premises ☐ Off the premises ☐ Both

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

State any seasonal variations

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

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

Continued from previous page...

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

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

Name

First name

Family name

Date of birth / /

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

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.

None

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

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.

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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...

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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.

There is a strong management and security procedures in place which encompasses the four licensing objectives as below. A Challenge 25 policy will be strictly followed by all staff. Staffs are trained as appropriate in respect of relevant licensing law. The open nature of the cafe allows for good viewing coverage. CCTV is installed on the premises.

b) The prevention of crime and disorder

CCTV is installed inside the premises. CCTV will be recording at all times the premises are open for any licensable activities and images will be held for a minimum of 28 days and made available immediately on request by any of the Responsible Authorities. The Premises License Holder will ensure that a trained member of staff will be on duty and be available to download the CCTV to any of the Responsible Authorities.

The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol. Any person who appears drunk /aggressive will not be permitted on the premises.

c) Public safety

Suitable fire extinguishers, fire alarms and fire exits are maintained.

I will fully support any directives received from the authorities

Floor staff will conduct physical sweep inside the premises to remove hazardous objects/waste as deemed necessary by the management. The Designated Premises Supervisor is aware of his responsibilities to the staff and customers in respect of public safety and will take all reasonable steps to ensure the maintenance of all provided safety arrangements and equipment in accordance with the requirements of current installations.

d) The prevention of public nuisance

All deliveries will be received during daytime to control noise nuisance. In conjunctions with the steps proposed for the prevention of crime and disorder objectives, the Licensees and staff will at all times remain responsible for the prevention of public nuisance in and around the premises.

The Designated Premises Supervisor will arrange to monitor levels from both inside and outside the premises and remedial action will be taken as appropriate. Doors and windows will be kept closed as deemed necessary by the Designated Premises Supervisor. An incident log will be maintained.

e) The protection of children from harm

Continued from previous page...

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

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.

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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.

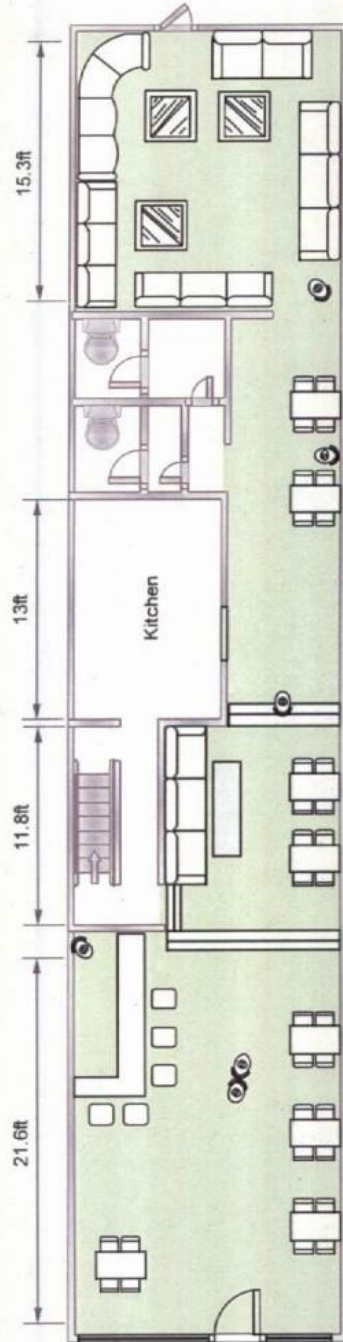
Don't forget to make sure you have all your supporting documentation to hand.

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

Scale 1:100

Channel Coffe & Restaurant
145A Stratford Road
Birmingham
B11 1RD



Key:

CCTV Camera

Licensable
Area

From: Optimised Training Centre
Sent: 11 December 2019 15:12
To: bw licensing; Licensing
Subject: RE: GRANT - CHANNEL COFFE & RESTAURANT, 145A STRATFORD ROAD, BIRMINGHAM, B11 1RD

Dear Chris,

I have discussed the conditions as listed below and are happy to have these added to the premises licence. I have included the licensing department to the email and request that these conditions are added to the schedule.

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

Kind regards
Mij

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

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Registered in England, Company No:7021919
Please consider the planet before printing this email

On 9 December 2019 at 09:21:05 -00:00, bw licensing < wrote:

Good Morning Mij,

West Midlands Police have reviewed the application for Channel Coffee & Restaurant 145a Stratford Rd. B11 1RD and would request the below conditions adding to the premises licence which are deemed appropriate and proportionate to meet and promote the licensing objectives.

- Alcohol will only be sold to customers who are seated by waiting staff, with the exception of those customers seated on the 5 bar stools shown on the original premises plan dated December 2019. There will be no vertical drinking within the premises.
- When trading past 23.00hrs the last entry to the premises will be at 00.45hrs. Signage to be displayed on the entrance door to inform customers of this.
- CCTV will be installed / updated to the recommendations and specifications of West Midlands Police.
- If for any reason the CCTV hard drive needs to be replaced the old/previous hard drive will be held on the premises for a minimum of 28 days and made immediately available to any of the responsible authorities on request.
- No children under the aged of 16 will be allowed on the premises after 20.00hrs unless accompanied by an appropriate adult. Staff are not to be left in sole charge of any child under 16.
- The premises fire risk assessment will be made available immediately on request of any of the responsible authorities.
- All staff will be trained in their responsibility of the licensing act, challenge 25 policy and premises operating conditions. This training will be documented and signed by both the trainer and trainee. No staff to work at the premises while it is carrying out licensable activity without this documented training (with the exception of personal licence holders). All training records to be made immediately available to any of the responsible authorities on request.
- The premises will risk assess the need to deploy SIA registered door staff.
- If SIA door staff are deployed at the premises then they will sign on & off duty. A profile of all door staff will be held by the premises which will include a copy of their SIA badge and photographic ID. If photographic is not available then a utility bill no older than 3 months may be accepted. Signing in books and profiles will be held at the premises for a minimum of 3 months and made immediately available to any of the responsible authorities on request.

Please liaise with your client, awaiting your reply no later than 19th December 2019 to give me chance to review the application further.

Many thanks

Regards

Chris Jones 55410

Birmingham Central Licensing Team

West Midlands Police HQ

Lloyd House

Colmore Circus

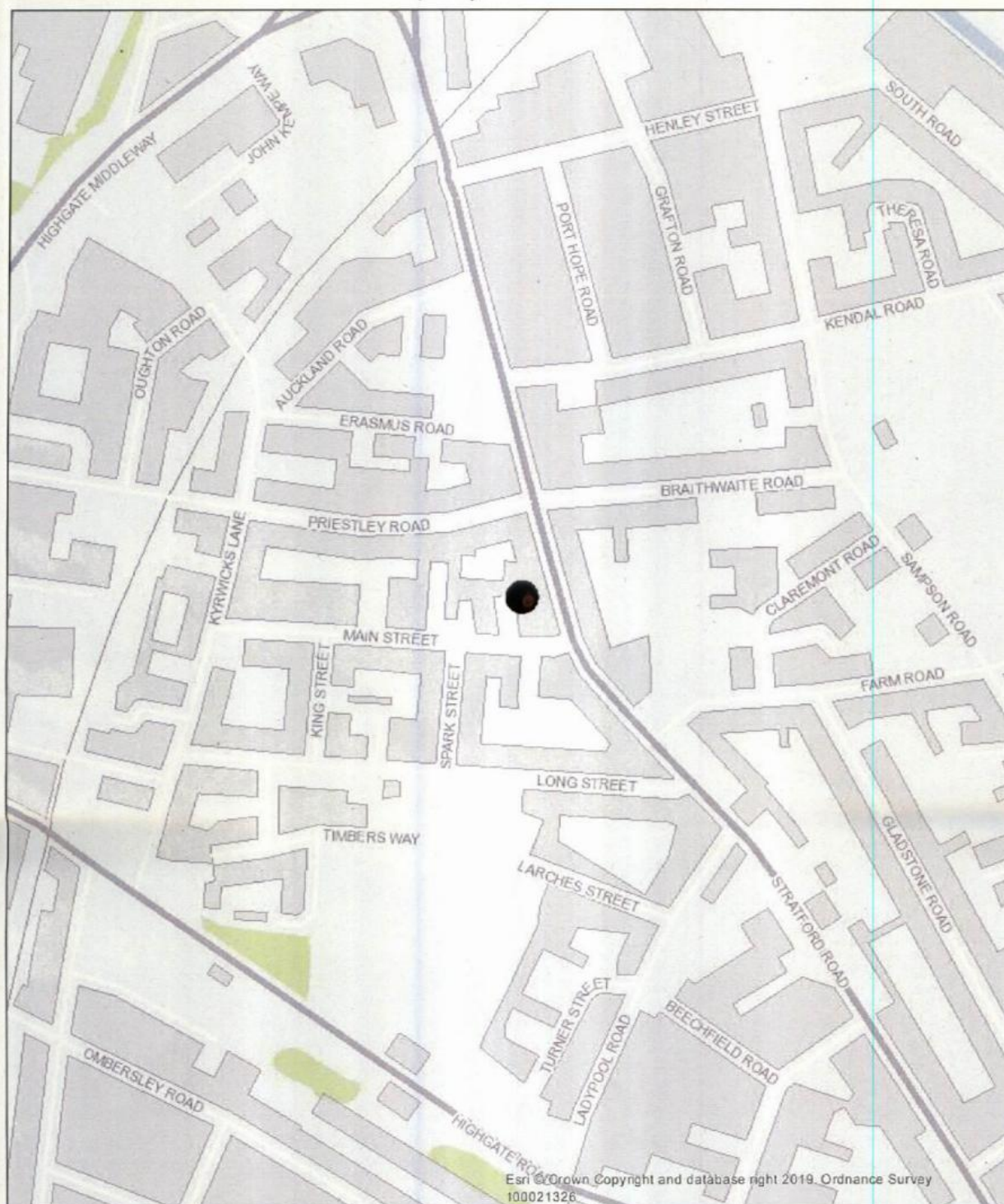
Birmingham

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

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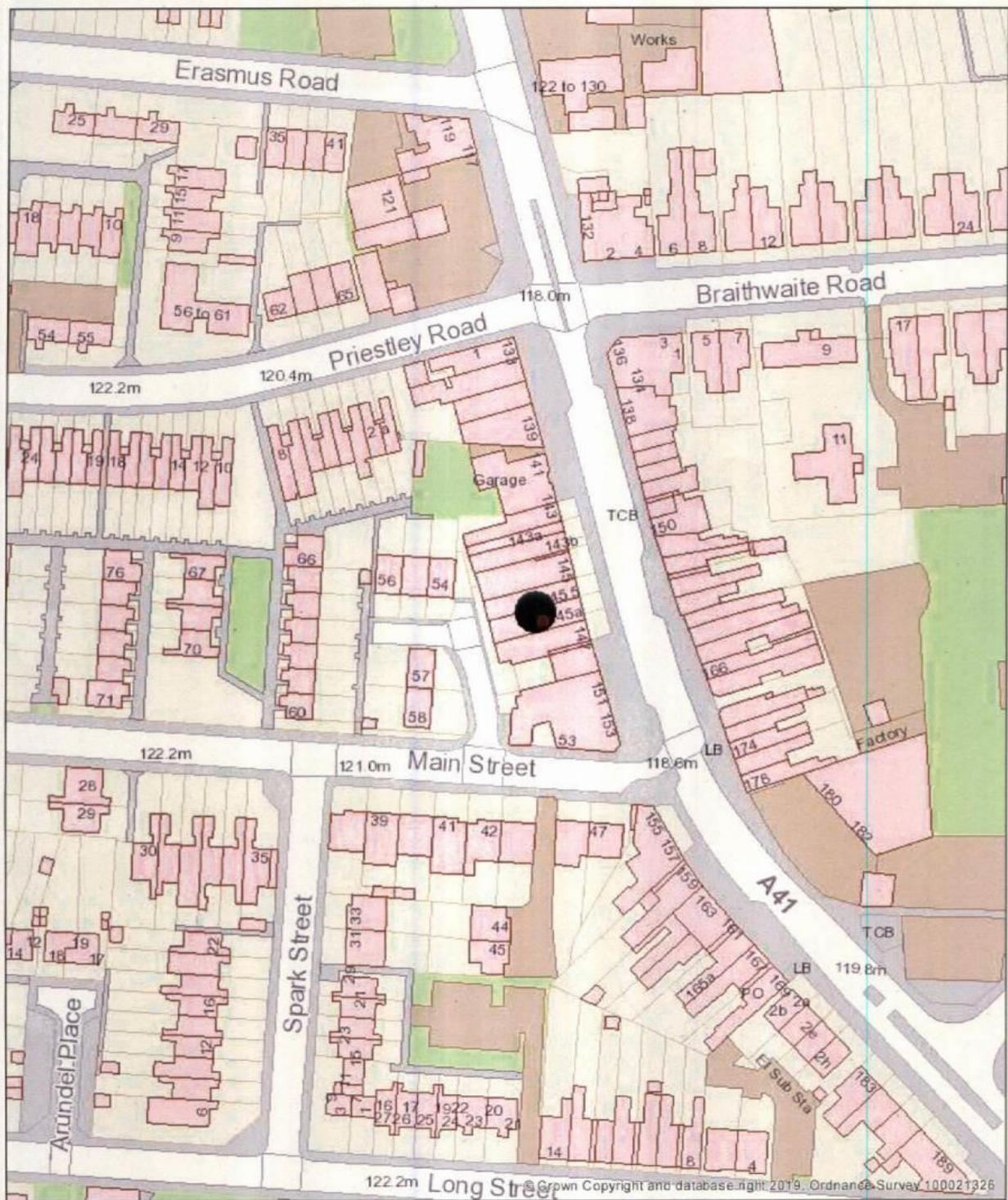
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